

JOURNAL OF THE CONVENTION

CALLLED FOR THE PURPOSE OF

RE-ADOPTING, AMENDING OR CHANGING THE CONSTITUTION OF THE STATE OF LOUISIANA.

MONDAY, 5th August, 1844.

This being the day fixed by the act entitled "An act to provide for the calling of a Convention for the purpose of re-adopting, amending or changing the Constitution of the State," approved March 18th, 1844, the Convention met accordingly, in the town of Jackson, in the parish of East Feliciana, State of Louisiana.

On motion of Mr LAFAYETTE SAUNDERS, representative delegate from the parish of East Feliciana, Mr BERNARD MARIGNY, a delegate from the parish of Orleans, was appointed President, *pro tem*.

On motion of Mr JOSEPH WALKER, senatorial delegate from the county of Rapides, HORATIO DAVIS was appointed Secretary, *pro tem*.

Mr Chinn, senatorial delegate from the county of Iberville, moved that the call of the senatorial and representative delegates be made by counties and parishes. His motion was adopted.

Mr Penn, senatorial delegate from the parish of St. Tammany, moved that the delegates present, who were provided with their credentials, be requested to deliver them to the Secretary *pro tem*. His motion was also adopted.

On the call by senatorial districts the following delegates answered, viz:—

For the 1st District—Gilbert Leonard.

" 2d " John R. Grymes.

" 3d " Isaac T. Preston.

German Coast—Felix Garcia.

Acadia—Duncan F. Kenner.

Lafourche—Thomas Pugh.

Attakapas—Cornelius Voorhies.

Opelousas—Thomas H. Lewis.

Rapides—Joseph Walker.

Natchitoches—B. B. Brazeale.

Ouachita—S. W. Downs.

County of Point Coupée—P. Porche.

County of Iberville—Thomas W. Chinn.

East Baton Rouge—W. B. Scott.

The parishes of Washington, St. Helena.

St. Tammany and Livingston—M. G. Penn,

East and West Feliciana—Thos. W. Scott.

REPRESENTATIVE DELEGATES.

Plaquemines—Thomas M. Wadsworth.

St. Bernard—Alexander Legendre.

Orleans—C. Roselius, W. C. C. Claiborne, John Culbertson, H. B. Cenas, Emile La Sere, A. Mazureau, P. Soulé, George Eustis, J. P. Benjamin, B. Marigny.

Jefferson—F. B. Conrad.

St. Charles—O. St. Amant.

St. John the Baptist—A. Boudousquié.

St. James—A. B. Roman, Benj. Winchester.

Ascension—H. B. Trist.

Assumption—M. Taylor, Marcelin Bourg.

Lafourche Interior—John C. Beatty, Justin Aubert, George S. Guion.

Terrebonne—V. P. Winder.

Iberville—Zenon LaBauve.

East Baton Rouge—A. Read, A. Waddill.

West Baton Rouge—J. McCalop.

West Feliciana—J. B. Wederstrandt, Cyrus Ratliff.

East Feliciana—Lafayette Saunders, A. M. Dunn.

St. Helena—

Livingston—A. H. McRea.

Washington—William Brumfield.

St. Tammany—Terrence Carriere.

Pointe Coupée—Zenon Ledoux, jr.

Concordia, Tensas, Madison, Carroll, and that part of Franklin formerly attached to the parish of Madison—R. J. Chambliss, Thomas B. Scott.

St. Mary—Alexander R. Splane.

St. Martin—P. Briant, J. B. Derbes.

Lafayette—Robert Cade, D. O'Bryan.

St. Landry and Calcasieu—William M. Prescott, S. W. Wikoff, G. Hudspeth, G. R. King, R. Taylor.

Avoyelles—Pierre Couvillon, Willis B. Prescott.

Rapides—Robt. C. Hynson, James F. Brent.

Natchitoches—Phanor Prudhomme.

Caddo and De Soto—Thomas C. Porter.

Sabine—D. Stephens.

Ouachita, Union, Caldwell, and that part of the parish of Franklin formerly attached to the parish of Ouachita—I. Garret, J. Humble.

Catahoula, and that part of the parish of Franklin formerly attached to the parish of Catahoula—G. Mayo.

Claiborne and Bossier—G. W. Peets.

Mr Claiborne moved to record the name of CHARLES M. CONRAD, now absent, as a delegate from the parish of Orleans.

Mr Soulé moved that the names of Messrs J. B. PLAUCHE and NOEL JOURDAN, now absent, be recorded, as delegates from the parish of Orleans.

Mr Wilcoxson presented a certificate of election, as delegate for the parish of Vermillion.

On motion of Mr Guion, it was ordered that the roll be called and that the delegates answer to their names, when it appeared that the following member were present, to wit:—

Gilbert Leonard, John R. Grymes, Isaac T. Preston, Felix Garcia, Duncan F. Kenner, Thomas Pugh, Cornelius Voorhies, Thomas H. Lewis, Joseph Walker, B. B. Brazeale, S. W. Downs, Pierre Porche, Thomas W. Chinn, W. B. Scott, M. G. Penn, Thos. W. Scott, Thos. M. Wadsworth, Alexander Legendre, C. Roselius, W. C. C. Claiborne, John Culbertson, H. B. Cenas, Emile La Sere, Adolphe Mazureau, Pierre Soulé, George Eustis, J. P. Benjamin, Bernard Marigny, F. B. Conrad, Onésifort St. Amant, Antoine Boudousquié, A. B. Roman, Benjamin Winchester, Hore B. Trist, M. Taylor, Marcelin Bourg, John C. Beatty, Justin Aubert, George S. Guion, V. P. Winder, Zenon LaBauve, James McCalop, A. Read, A. Waddill, John B. Wederstrandt, Cyrus Ratliff, Lafayette Saunders, A. M. Dunn, A. H. McRea, William Brumfield, Terrence Carriere, Zenon Ledoux, jr., Robert J. Chambliss, Thomas B. Scott, Alexander R. Splane, P. Briant, J. B. Derbes, Robert Cade, D. O'Bryan, William M. Prescott, S. W. Wikoff, G. Hudspeth, George R. King, Robert Taylor, Pierre Couvillon, Willis B. Prescott, Robert C. Hynson, James F. Brent, Phanor Prudhomme, D. Stephens, Thomas C. Porter, Isaiah Garrett, Jacob Humble, George Mayo, G. W. Peets, Loyd Wilcoxson.

Mr Penn presented the following resolution which was read and adopted, viz:—

Resolved, That a committee, composed of five members, be appointed for the purpose of enquiring into and reporting upon the right of the several persons claiming seats as members of this Convention as evidenced by the returns of the proper officer, and that said committee be instructed to report to-morrow morning.

The President *pro tem.* appointed Messrs. Gilbert Leonard, Thomas H. Lewis, Thomas W. Scott, H. B. Trist and B. Winchester on said committee.

Mr Thomas W. Chinn presented the following resolution, which was read:—

Resolved, That the rules which have been adopted for the government of the House of Representatives of the State of Louisiana, be adopted temporarily for the government of this Convention, as far as the same may be practicable.

Mr Leocard presented the following as a substitute to Mr Chinn's resolution:—

Resolved, That a committee of three members be appointed to examine the rules which have been adopted for the government of the House of Representatives of the State of Louisiana, and report on to-morrow such parts thereof as they may deem the best adapted for the government of this Convention.

Said foregoing substitute was read and adopted, and the President *pro tem.* appointed Messrs LaBauve, Preston and Kenner of said committee.

On motion, the Convention adjourned till to-morrow, at 11 o'clock, A. M.

TUESDAY, 6th August, 1844.

The Convention met pursuant to adjournment.

MEMBERS PRESENT.

Messrs Bernard Marigny, President *pro tem.*, Leonard, Grymes, Preston, Garcia, Kenner, Pugh, Voorhies, Lewis, Walker, Brazeale, Downs, Sellers, Porche, Chinn, W. B. Scott of East Baton Rouge, Penn, Thomas W. Scott of East Feliciana, Wadsworth, Legendre, Roselius, Claiborne, Culbertson, Cenas, Mazureau, Soulé, Eustis, Benjamin, La Sere, F. B. Conrad of Jefferson, St. Amant, Roman, Winchester, Trist, Miles Taylor of Assumption, Bourg, Beatty, Aubert, Guion, Winder, LaBauve, McCalop, Read, Waddill, Wederstrandt, Ratliff, Saunders, Dunn, McRea, Brumfield, Carriere, Zenon Ledoux, jr., Chambliss, Thos. B. Scott of Madison, Splane, Briant, Derbes, Cade, O'Bryan, Wilcoxson, William M. Prescott of St. Landry, Wikoff, Hudspeth, King, Robert Taylor of St. Landry, Couvillon, Willis B. Prescott of Avoyelles, Hynson, Brent, Prudhomme, Stephens, Porter, Garrett, Humble, Mayo and Peets.

Mr LaBauve. of the committee appointed to examine the rules which have been adopted for the government of the House of Representatives of the State of Louisiana and to report such parts thereof as they may deem best adapted for the government of this Convention, made the following report,

Which, on motion of Mr Kenner, the Convention proceeded to read, article by article, and the sense of the Convention taken thereon, viz :—

RULES AND ORDERS OF THE CONVENTION.

TOUCHING THE DUTY OF THE PRESIDENT.

1. He shall take the chair every day, at the hour to which the Convention shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read. Adopted.

2. He shall preserve order and decorum; may speak to points of order in preference to the members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Convention by any two members, on which appeal no member shall speak more than once, unless by leave of the Convention. Adopted.

3. He shall rise to put a question, but may state it sitting. Adopted.

4. Questions shall be distinctly put in this form, to wit: "As many of you as are of opinion that, [as the question may be,] say aye." And after the affirmative voice is expressed—"As many of you as are of a contrary opinion, say no." If the President doubts, or if a division be called for, the Convention shall divide; those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. The President shall then rise and state the decision of the Convention. Adopted.

5. All committees shall be appointed by the President, unless otherwise specially directed by the Convention, in which case they shall be appointed by ballot, and if upon such ballot the number required shall not be elected by a majority of the votes given, the Convention shall proceed to further ballot or ballots, until a majority be obtained.

Mr Penn moved to amend the foregoing 5th article by striking out after the words '*in which case they shall be appointed,*' the words '*by ballot,*' and inserting in their lieu the words '*by a viva voce vote of the Convention,*' and striking out after the words '*and if upon such*' the word '*ballot,*' and inserting in its stead the word '*vote,*' and also by further striking out after the words '*a majority of the votes given, the Convention shall proceed to,*' the words, '*ballot or ballots,*' and inserting in their place the word '*vote.*'

Said amendments were adopted, and the

said foregoing 5th rule was adopted, as thus amended.

6. The President shall have the right to examine and correct the journal before it is read. He shall have a general direction of the hall. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. Adopted.

7. In cases of ballot by the Convention, the President shall vote; in other cases he shall not vote, unless the Convention be equally divided, or unless his vote, if given to the minority, will make a division equal, and in case of such equal division, the question shall be lost.

Mr Penn moved that the preceding article be amended by inserting after the words "in all cases of ballot," the words, "or *viva voce* vote."

Said amendment was adopted, and the said 7th article was adopted as amended.

8. In case of any disturbance or disorderly conduct in the gallery or lobby, the President (or chairman of the Committee of the Whole of the Convention) shall have power to order the same to be cleared. Adopted.

9. No person shall be admitted within the bar but the members of the Convention, officers of the General or State Government, and such other persons as the President may think proper to invite to a seat in the Convention.—Adopted.

OF DECORUM AND DEBATE.

10. When any member is about to speak in debate or deliver any matter to the Convention, he shall rise from his seat, and respectfully address himself to the President. Adopted.

11. If any member, in speaking or otherwise, transgress the rules of the Convention, the President shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the Convention shall, if appealed to, decide on the case, but without debate: if there be no appeal the decision of the chair shall be submitted to; if the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Convention. Adopted.

12. When two or more members happen to rise at once, the President shall name the person who is first to speak. Adopted.

13. No member shall speak more than twice on the same question, without leave of the Convention, nor more than once until every member choosing to speak shall have spoken. Adopted.

14. Whilst the President is putting any question, or addressing the Convention, none shall walk out of or across the Hall; nor, in such case, or when a member is speaking, shall

entertain private discourse; nor, whilst a member is speaking, shall pass between him and the chair.

Mr Leonard moved to reject the foregoing 14th rule. His motion was lost, and, on motion, the same was adopted.

15. No member shall vote on any question in the event of which he is immediately and particularly interested; or in any other case when he was not present when the question was put.

Mr Chinn moved to amend the foregoing article by adding at its end the words "without the leave of the Convention."

Said amendment was adopted, and on motion the 15th article was adopted as amended.

16. Upon a division and count of the Convention, on any question, no member without the bar shall be counted. Adopted.

17. Every member who shall be in the Convention, when a question is put, shall give his vote, unless the Convention for special reasons shall excuse him. Adopted.

18. When a motion is made and seconded, it shall be stated by the President, or being in writing, it shall be handed to the chair and read aloud by the Secretary, before debated.—Adopted.

19. Every motion shall be reduced to writing, if the President or any member shall desire it. Adopted.

20. After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Convention, but may be withdrawn at any time before a decision or amendment. Adopted.

21. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely—which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the proposition. Adopted.

22. A motion to adjourn shall always be in order; that, and the motion to lay on the table, shall be decided without debate. Adopted.

23. All questions shall be put in the order they are moved, except that in filling up the blanks the largest sum and longest time shall be first put.

Mr Downs moved to amend the foregoing by inserting after the words "all questions," the words "except those enumerated in rule 21st."

Said amendment was adopted; and on motion the said foregoing 23d rule was adopted as amended.

24. The previous question shall be in this form: "Shall the main question be now put?"

It shall only be admitted when demanded by a majority of the members present, and, until it is decided, shall preclude all amendments and further debate of the main question, and must be decided without debate. Adopted.

25. When the Convention adjourns every member shall keep his seat until the President passes the last seat on his way out of the Convention. Adopted.

26. Any member may call for the division of a question when the sense will admit of it.—Adopted.

27. A motion for commitment, till it is decided, shall preclude all amendment of the main question. Adopted.

28. Motions and reports may be committed at the pleasure of the Convention. Adopted.

27. No new motion or proposition, on a subject different from that under consideration, shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate. Adopted.

30. When a motion has been once made or carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof: *Provided* it is made on the same day, or at the next sitting day before the order of the day is taken up. Adopted.

31. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Convention. Adopted.

32. The unfinished business in which the Convention was engaged at the time of the last adjournment, shall have the preference in the orders of the day; and no motion, or any other business, shall be received, without special leave of the Convention, until the former is disposed of. Adopted.

33. In all other cases of ballot a majority of the votes given shall be necessary to an election; and when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained. Adopted.

34. In all cases when others than members of the Convention may be eligible there shall be a previous nomination. Adopted.

35. If a question depending be lost by adjournment of the Convention, and revived on the succeeding day, no member who has spoken twice on the day preceding shall be again permitted to speak without leave. Adopted.

36. Any five members (including the President) shall be authorized to compel the attendance of absent members. Adopted.

37. Upon calls of the Convention, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically. Adopted.

38. Any member may excuse himself from serving on any committee at the time of his

appointment, if he is then a member of other committees. Adopted.

39. No member shall absent himself from the service of the Convention unless he have leave, or be sick and unable to attend. Adopted.

40. In order to insure the punctual attendance of the members, a call shall take place at the commencement of every day's sitting, by the Secretary, who shall note the absentees, but shall remove the notes from the names of such members as appear in the course of that day's sitting; the names of those who do not attend shall be entered on the journal, and they shall receive no salary for that day, unless excused by the Convention. Adopted.

41. A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the Convention, whose duty it shall be to attend the Convention during its sittings, to execute the commands of the Convention, from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. Adopted.

42. It shall be the duty of the Committee of Elections to examine and report upon the certificate of election or other credentials of the members returned to serve in this Convention, and to take into consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come in question, and be referred to them by the Convention, and on any other matter in relation to the manner, times and places of holding elections.

Mr Lewis moved to amend the foregoing rule by erasing the words, "it shall be the duty of the Committee of Elections," and inserting in their stead the words, "there shall be a Committee of Elections, whose duty it shall be."

Said amendment was adopted, and on motion the said 42d article was also adopted as amended.

43. It shall be the duty of the committee of claims to take into consideration all such petitions and matters or things, touching claims on the Convention, as shall be presented, or shall or may come in question, and be referred to them by the Convention, and to report their opinion thereupon together with such propositions for payment as to them as shall seem expedient.

On motion of Mr Ratcliff, the preceding rule was amended by erasing the words, "It shall be the duty of the" and substituting in their place the words "there shall be a committee of contingent expenses composed of three members."

Pending the discussion of the foregoing, Mr Grymes moved that it, as well as all the balance of the said report which was as follows,

be read without taking any action upon the different articles, viz :

44. No committee shall sit during the sitting of the Convention without special leave.

45. No standing rule or order of the Convention shall be rescinded without one day's notice being given of the motion thereof.

46. The Secretary of the Convention shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities; and shall be deemed to continue in office until another be appointed. He shall enter into the journal all motions on which a vote of the Convention shall have been taken.

47. All questions of order shall be noted by the Secretary with the decision and put together at the end of the journal of every sitting.

48. The Secretary shall not suffer any records or papers to be taken from the table or out of his custody by any member or other person.

49. No standing rule or order of the Convention shall in any case be suspended or dispensed with without the concurrence of four-fifths of the members present.

50. It shall be a standing order of the day, throughout the session, for the Convention to resolve itself into a committee of the whole Convention, pending the discussion of any article, section or amendment of the Constitution.

51. In forming the committee of the whole the President shall leave the chair (and a chairman to preside in committee) shall be appointed by the President.

52. In the committee of the whole Convention, the ayes and nays shall not be called.

53. In all cases, to which the above rules will not apply, the Jefferson's Manual shall govern the Convention.

54. Every member in addressing the Convention shall confine himself strictly to the subject matter under debate and the address of no member to the Convention shall exceed one hour, unless by special permission of the Convention.

55. The documents ordered to be printed by the Convention shall be printed on paper of the same size of the printed journal of this Convention, and a copy shall be bound with each journal, to be furnished to the members of the Convention at the end of the session, and it shall be the duty of the printer of the Convention to print one hundred additional copies ordered to be printed for the above purpose.

Mr Soule moved to amend the 54th rule by striking out after the words "the address of no member to the Convention shall exceed" the words "one hour" and by substituting in their lieu the words "half an hour."

Pending the debate on said amendment,

On motion of Mr Ratliff, the said 54th rule and the amendment proposed thereto, were laid on the table till the organization of the Convention.

Mr Walker moved to amend the 55th rule by striking out after the words "at the end of the session, and it shall be the duty of the printer of the Convention to print" the word "one" and by inserting in its place the word "five."

Pending the discussion on said amendment,

On motion of Mr Grymes, from and including the 43d rule to and including the 55th rule were laid on the table till the organization of the Convention.

Mr Penn presented the following resolution which was read, viz:

Resolved, That the Convention proceed instantly to the election of a President and Secretary, and that all persons claiming to be members and who have presented *prima facie* evidence of their right by the certificate of the proper returning officers—and provided moreover, that in all other cases where it is generally known, that a member has been duly elected, and his right to a seat not contested—shall have the right to vote.

The President *pro. tem.* decided that the said foregoing resolution was out of order.

Mr O'Bryan presented the following resolution, viz:

Resolved, That this assembly, the Delegates to the Convention, do reconsider the vote taken on the resolution passed on Monday, the 5th inst., empowering the President *pro. tem.* to appoint a committee to be composed of five members, called a committee of elections, to report on the fact relative to elections in general of members to this Convention.

Said resolution was read and rejected.

Mr Leonard, of the Committee of Elections, made the following report, viz:

The Committee appointed for the purpose of examining into and reporting upon the right of the several persons claiming seats, as members of this Convention, as evidenced by the returning of the proper officers, report:

That from an inspection of the returns of elections submitted to them, the following persons appear to be elected to this Convention, and entitled to their seats therein:—

Gilbert Leonard,	for the 1st Senatorial District.
John R. Grymes,	" 2d " "
Isaac T. Preston,	" 3d " "
D. F. Kenner	" County of Acadia.
Thomas Pugh,	" " Lafourche.
Cornelius Voorheis	" " Attakapas.
Thomas H. Lewis,	" " Opelousas.
James Walker,	" " Rapides.
Solomon W. Downs	" " Ouachita.
Pierre Porche,	" " Pointe Coupée.
T. W. Chinn,	" " Iberville.

M. G. Penn, for the Parishes of Washington, St. Helena, St. Tammany and Livingston.

T. W. Scott, for the Parishes of East and West Feliciana.

M. B. Sellers, for the county of Concordia.

W. B. Scott, " parish of E. Baton Rouge

REPRESENTATIVE DELEGATES.

T. M. Wadsworth, parish of Plaquemines.

Alex. Lejendre, " St. Bernard.

Pierre Soulé, H. B. Cenas, B. Marigny, George Eustis, C. Roselius, C. M. Conrad, W. C. C. Claiborne, A. Mazercau, J. P. Benjamin, John Culbertson, for the parish of Orleans.

F. B. Conrad, parish of Jefferson.

O. St. Amant, " St. Charles.

A. Bondousquic, " St John the Baptist.

A. B. Roman and Benj. Winchester, parish of St. James.

H. B. Trist, parish of Ascension.

Miles Taylor and M. Bourg, parish of Assumption.

J. C. Beatty, J. Aubert and Geo. S. Guion, parish of Lafourche, Interior.

V. P. Winder, parish of Terrebonne.

Zenon Labauve, parish of Iberville.

Jas. McCalop, " W. Baton Rouge.

A. Read and A. Waddill, parish E. Baton Rouge.

Cyrus Ratliff and J. B. Wederstrandt, parish of West Feliciana.

Lafayette Saunders and Alex. M. Dunn, parish of East Feliciana.

Wm. Brumfield, parish of Washington.

A. H. McRea, " Livingston.

T. Carriere, " St. Tammany.

Z. Ledoux, " Pointe Coupée.

A. R. Splane, " St. Mary.

Paul Briant and J. B. Derbes, parish St. Martin.

Robert Cade, parish of Lafayette.

Wm. M. Prescott, S. W. Wikoff, G. Hudspeth, G. R. King, and Robert Taylor, parish of St. Landry.

Pierre Couvillon and Willis B. Prescott, parish of Avoyelles.

R. C. Hynson and James F. Brent, parish of Rapides.

W. D. Stephens, parish of Sabine.

Thomas C. Porter, " Caddo and Desoto.

George Mayo, parish of Catahoula, and that part of the parish of Franklin formerly attached to the parish of Catahoula.

George W. Peets, parishes of Claiborne and Bossier.

Lloyd Wilcoxon, parish of Vermillion,

There being no returns from any other portion of the State your committee beg leave to submit the foregoing partial report, and beg leave to sit again

The committee deem it incumbent on them to remark, that in the conclusions to which they have arrived they have been governed by *prima facie* evidence.

They considered their action as preparatory only to the organization of the Convention, their intention being to leave all contested elections entirely open for investigation after the body shall be organized.

(Signed) G. LEONARD,
Chairman of the Committee.

Mr Grymes moved to refer the said report back to the committee with instructions to recognize all persons presenting themselves on honor as members elect of this Convention and whose seat are not contested as members, and to report accordingly.

Mr Guion moved to amend Mr Grymes' motion by adding after the words "with instructions to recognize all persons" the words "whose names have not been inserted in the report."

Mr Guion's amendment was adopted.

And Mr Grymes' motion was adopted as amended.

Mr Soulé moved that the Convention adjourn till to-morrow at 10 o'clock, A. M.

His motion was lost.

On motion the Convention adjourned till to-morrow at 9 o'clock, A. M.

—
WEDNESDAY, August 7th, 1844.

The Convention met pursuant to adjournment.

Members present—Messrs. Joseph Walker, president; Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Burton, Briant, Brumfield, Cade, Carriere, Cenas, Chambliss, Chinn, Claiborne, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hynson, Hudspeth, Humble, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Lewis, McCalop, McRea, Marigny, Mazureau, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Wederstrandt, Wikoff, Winchester, Winder, Waddill.

Mr Leonard of the Committee of Elections made the following report, viz :

The committee appointed for the purpose of examining into and reporting upon the right of the several persons claiming seats as members of this Convention as evidenced by the returns of the proper officers, report :

That from an inspection of the returns of elections submitted to them, the following persons appear to be elected to this Convention and entitled to their seats therein :

Gilbert Leonard, for the 1st Senatorial District.
John R. Grymes, " 2d " "

Isaac T. Preston, for the 3d Senatorial District.
D. F. Kenner, " county of Acadia.
Thos. Pugh, " " Lafourche.
Cornelius Voorhies, " " Attakapas.
Thos. H. Lewis, " " Opelousas.
Jos. Walker, " " Rapides.
Solomon W. Downs, " " Ouachita.
Pierre Porche, " " Pointe Coupée.
T. W. Chinn, " " Iberville.

M. G. Penn, for the parishes of Washington, St. Helena, St. Tammany, and Livingston.

T. W. Scott, for the Parishes of East and West Feliciana.

W. B. Sellers, for the county of Concordia.

W. B. Scott, for the parish of East Baton Rouge.

REPRESENTATIVE DELEGATES.

T. M. Wadsworth, for the parish of Plaquemines.

Alex. Legendre, for the parish of St. Bernard.

Pierre Soulé, H. B. Cenas, B. Marigny, Geo.

Eustis, C. Roselius, C. M. Conrad, W.

C. C. Claiborne, A. Mazureau, J. P. Ben-

jamin, John Culbertson, for the parish of Orleans.

F. B. Conrad, for the parish of Jefferson.

O. St. Amant, " " St. Charles.

Ant. Boudousquie, for the parish of St. John the Baptist.

A. B. Roman and Benj. Winchester, for the parish of St. James.

H. B. Trist, for the parish of Ascension.

Miles Taylor and M. Bourg, for the parish of Assumption.

J. C. Beatty, J. Aubert, and Geo. S. Guion, for the parish of Lafouche Interior.

V. P. Winder, for the parish of Terrebonne.

Zenon Labauve, for the parish of Iberville.

James McCalop, " " West Baton Rouge.

A. Read, and A. Waddill, for the parish of E. Baton Rouge.

Cyrus Ratliff, and J. B. Wederstrandt, for the parish of West Feliciana.

Lafayette Saunders, and A. Dunn, for the parish of East Feliciana.

A. H. McRae, for the parish of Livingston.

Wm. Brumfield, " " Washington.

T. Carriere, " " St. Tammany.

Z. Ledoux, " " Pointe Coupée.

A. R. Splane, " " St. Mary.

Paul Briant, and J. B. Derbes, for the parish of St. Martin.

Robert Cade, for the parish of Lafayette.

Wm. M. Prescott, S. W. Wikoff, G. Hudspeth, G. R. King, and Robert Taylor, for the parish of St. Landry.

Pierre Couvillon, and Wm. B. Prescott, for the parish of Avoyelles.

R. C. Hynson, and James F. Brent, for the parish of Rapides.

W. D. Stephens, for the parish of Sabine.

Thomas C. Porter, for the parishes of Caddo and DeSoto.

George Mayo, for the parish of Catahoula and that part of the parish of Franklin formerly attached to the parish of Catahoula.

George W. Peets, for the parish of Claiborne and Bossier.

Lloyd Wilcoxon, for the parish of Vermillion.

There being no other returns from any other part of the State, your committee beg leave to submit the foregoing partial report, and beg leave to sit again.

The committee deem it incumbent on them to remark that in the conclusions to which they have arrived they have been governed by *prima facie* evidence.

They considered their action as preparatory only to the organization of the Convention, their intention being to leave all contested elections entirely open for investigation after the body shall be organized.

(Signed.) G. LEONARD,
Chairman of the Committee.

Your committee further report that in compliance with the resolutions, referring back to the foregoing report with instructions, they find the following persons elected to serve in the Convention of the State of Louisiana, to-wit:

B. B. Brazeale, of the county of Natchitoches.

Felix Garcia, " " Germain Coast.

Phanor Prudhomme, parish of Natchitoches.

T. B. Scott and R. J. Chambliss, of the parishes of Concordia, Madison, Carroll and Tensas.

Jacob Humble, and Isaiah Garrett, of the parishes of Ouachita, Union, Caldwell and that part of the parish of Franklin formerly attached to the parish of Ouachita.

No member for the parish of St. Helena has yet presented himself, nor have we any return from said parish, being the only parish as yet unrepresented. All which is respectfully submitted. (Signed.) G. LEONARD,

Chairman of the Committee.

Mr Voorhies on behalf of Messrs. Bryan and Wilcoxon, informed the Convention that both those gentlemen would withdraw from the Hall of the Convention until its organization.

Mr Chinn moved that the Convention proceed by ballot to the election of a President. His motion prevailed.

Mr Winchester informed the Convention that Mr A. B. Roman was not a candidate for Presidency of the Convention.

The Convention proceeded by ballot to the election of a President.

Seventy-four delegates being present and the votes being polled

Mr Lewis moved that two tellers be appointed, and the President *pro. tem.* appointed Messrs Lewis and Voorhies.

The votes being counted it appeared that

Joseph Walker had received	28	votes.
Felix Garcia	28	"
Bernard Marigny,	8	"
Thos. M. Wadsworth,	3	"
John R. Grymes,	4	"
Geo. S. Guion,	2	"
Geo. Eustis,	1	"

74 votes.

No majority was given on this ballot.

Mr Garcia then informed the Convention that he was no longer a candidate.

Mr Marigny also informed the Convention that he was no longer a candidate.

Mr Chinn then nominated Mr J. R. Grymes as a candidate. And

Mr Penn nominated Mr Joseph Walker; and

On motion, the Convention proceeded to a second ballot for President.

The same tellers were again appointed, and on counting the votes it appeared that

Walker had received	36	votes.
Grymes,	35	"
Blank,	3	"

Total, 64 votes.

There not being a majority.

On motion, the Convention proceeded to a third ballot.

The same tellers were again appointed.

The votes being counted it appeared that

Walker had received	37	votes.
Grymes,	36	"
Blank,	1	"

Total, 74 votes.

Mr Wadsworth informed the Convention that Messrs Walker and Grymes would retire from the Hall, and would be absent till the election was over.

Seventy-two Delegates being present.

On motion, the Convention proceeded to a fourth ballot.

The same tellers having again been appointed, and the votes having been counted, it appeared that

Walker had received	38	votes.
Grymes,	34	"

Total, 72 votes.

Mr Joseph Walker having received the majority required, was declared duly elected President of the Convention.

On motion of Mr Leonard, the president elect was called to the Chair by the president *pro. tem.*

Mr Leonard then moved that the Convention proceed to the election, by ballot, of a Secretary. His motion prevailed. And

Mr H. B. Trist nominated Mr Theodule Landry as a candidate.

Mr T. H. Lewis nominated Mr Horatio Davis as a candidate. And

Mr A. M. Dunn nominated Mr John E. King as a candidate.

Seventy-four members being present.

The votes being deposited, the president appointed Messrs Voorhies and Ratliff as tellers. And on counting the votes the result was, that

Horatio Davis had received . 43 votes.

T. Landry, 23 "

J. E. King, 7 "

Blank, 1 "

Total, 74 votes.

Mr Davis having obtained a majority of votes was declared duly elected secretary.

Mr Penn presented the following resolution, which was read, viz :

Resolved, That the following oath or affirmation be administered to each and every member of this Convention, viz :

I, ———, do solemnly swear (or affirm) that I will faithfully and impartially discharge the duties incumbent upon me, as a member of this Convention, to the best of my abilities and understanding ; and I, ———, do further swear (or affirm), that I will support the Constitution of the United States. So help me God.

Mr Saunders moved to reject the said resolution, and

Mr Ratliff called for the yeas and nays on Mr Saunders' motion.

Messrs Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Conrad, Dunn, Downs, Eustis, Garcia, Garrett, Grymes, Guion, Kerner, Ledoux, Lejendre, Leonard, McRea, Mazureau, Peets Porter, Preston, Prudhomme, Pugh, Roman, St Amant, Saunders, Scott of Feliciana, Scott of Madison, Sellers, Splane, Taylor of Assumption, Trist, Wadsworth, Wederstrandt, Winchester and Wikoff, voted in the affirmative—38 Yeas ; and

Messrs Brazeale, Brent, Cade Carriere, Cenas, Chambliss, Chinn, Claiborne Cuvillon, Culbertson, Derbes, Hynson, Hudesbeth, Humble, King, Labauve, Lewis, McCalop, Marigny, Mazureau, Mayo, Penn, Porche, Prescott of Avoyelles, Prescott of St Landry, Ratliff, Read, Roselius, Scott of Baton Rouge, Soule, Stevens, Taylor, Voorhies Winder and Waddill—35 Nays.

Mr Saunders' motion consequently prevailed.

Mr Wadsworth moved that the Convention proceed to ballot for a sergeant-at-arms.

His motion prevailed, and

Mr Lewis nominated Mr James Carpenter, as a candidate.

Mr Ledoux nominated Mr Jules Major.

Mr Wadsworth nominated Mr Descoteaux Saucier.

Mr Voorhies nominated Mr Antoine Gras.

Mr Ratliff nominated Mr Eugene Remondet. Seventy-four members being present.

The votes being deposited, the president appointed Messrs Ratliff and Mayo as Tellers ; and, on counting the votes, the result was, that

Mr Carpenter had received 23 votes.

" Remondet " 18 "

" Saucier " 16 "

" Gras " 11 "

" Major " 6 "

Total, - - 74 votes.

None of the candidates having received a majority of votes,

On motion, the Convention proceeded to a second ballot.

The President appointed the same Tellers, and on counting the votes it appeared, that

Mr Carpentier had received 30 votes.

" Remondet " 23 "

" Saucier " 16 "

" Major " 3 "

" Gras " 2 "

Total, - - 74 votes.

None of the candidates having yet received a majority,

On motion, the Convention proceeded to a third ballot. Seventy-three delegates being present.

The same Tellers were appointed ; and the result was, that

Mr Carpenter had received 36 votes.

" Remondet " 33 "

" Saucier " 4 "

Total, - - 73 votes.

No election having taken place,

Mr Wadsworth informed the Convention that Mr Saucier was no longer a candidate, and,

On motion, the Convention proceeded to a fourth ballot. Seventy-four members present.

The same Tellers were again appointed, and the result was, that

Mr Carpenter had received 37 votes.

" Remondet " 37 "

Total, - - 74

There being a tie, on motion, the Convention proceeded to a fifth ballot.]

The President again appointed the same Tellers, and the result was, that

Mr Carpenter had received 38 votes.

" Remondet " 34 "

" Blank " 2 "

Total, - - 74 votes.

Mr J. Carpenter having obtained a majority of votes, was declared duly elected sergeant-at-arms of the Convention.

Mr Saunders presented the following resolution, which was read and adopted, viz :

Resolved, That a committee of five members be appointed, with instructions to enquire what clerks and other officers, and the number, that may be necessary to perform the business of the Convention, and report to-morrow; and, that said committee also report the compensation to be allowed said clerks and all other officers of the Convention.

The President appointed Messrs Saunders, Ratliff, Wadsworth, Brent and Pugh, of said committee.

On motion, the Convention adjourned till to-morrow at 9 o'clock, A M.

THURSDAY, August 8, 1844.

The Convention met, pursuant to adjournment.

Members present: Mr Joseph Walker, president; Messrs Aubert, Beatty, Benjamin, Boudousquié, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Cenas, Chambliss, Chinn Claiborne, Conrad of Jefferson, Couvillon, Culbertson, Derbés, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hynson, Hudspeth, Humble, Kenner, King, Lebauve, Ledoux, Legendre, Leonard, Lewis, Marigny, McCalop, McRea, Mazureau, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St Amant, Sanders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Wikoff, Winchester, Wederstrandt, Winder, Waddill.

Mr Roman moved that the rules adopted for the temporary government of the Convention be again re-adopted.

Mr Grymes moved to amend the motion, by adopting the rules temporarily, subject to the order of the Convention.

The motion as amended was adopted, and the rules were temporarily adopted, subject to the order of the Convention.

Mr Saunders, of the committee appointed for the purpose of inquiring what officers and clerks were necessary for the transaction of the business of the Convention, made the following report, which was read, viz:

The committee, to whom was referred the resolution of yesterday relative to the number of officers to be employed by the Convention and their compensation, and the compensation of all other officers of the Convention, report that they recommend the appointment of a door-keeper; three translating clerks—one, from French into English, and two, from English into French; one recording clerk; two reporters; and one printer. They recommend the following compensation, estimated by the allowance made to officers performing the same

duties in the Senate and House of Representatives. To the secretary fifteen dollars a day, to sergeant-at-arms, door-keeper and clerks each six dollars a day, and to the reporters each eight dollars a day. The committee having no data on which to estimate the labor to be done by the printer or its value, submit to the House the compensation to be paid him for his services. (Signed) L. SAUNDERS.

Mr Guion moved to amend the report, by reducing the number of translators to two.

Mr Beatty moved to amend Mr Guion's amendment by designating one of the translators as a *minute clerk*.

Mr Downs moved to divide the motion made by Mr Guion from the amendment offered by Mr Beatty.

This motion prevailed and Mr Guion's amendment was lost; consequently, Mr Beatty's amendment, to designate one of the translators as a minute clerk, was lost.

Mr Roselius moved to amend the report by reducing the number of reporters, from two to one.

This amendment was lost.

Mr Downs moved to amend the report by requiring of the reporters to assist each other.

The amendment was adopted.

Mr Conrad moved to amend, by requiring that one of the reporters should report in English and the other in French.

The amendment was adopted.

Mr Roselius moved to amend the report by striking out, after the words "to the secretary," the word "*fifteen*," and inserting in its place the word "*ten*."

Mr Claiborne moved to amend Mr Roselius' motion by inserting the word "*twelve*," instead of the word "*ten*."

Mr Guion moved to amend Mr Claiborne's amendment, by moving that the word "*fifteen*" be stricken out, and leaving the compensation in blank.

Mr McRea called for the yeas and nays on Mr Guion's amendment, and the result was, that

Messrs Aubert, Beatty, Benjamin, Boudousquié, Bourg, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Claiborne, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Garrett, Guion, Hudspeth, Humble, Kenner, King, LaBauve, Legendre, Lewis, Mazureau, McCalop, McRea, Mayo, Penn, Porter, Preston, Read, Roman, Roselius, St. Amant, Scott of Feliciana, Scott of Madison, Sellers, Taylor of St. Landry, Trist, Wederstrandt, Winchester and Winder voted in favor of it—44 ayes.

Messrs Brazeale, Brent, Briant, Cenas, Downs, Dunn, Eustis, Garcia, Grymes, Hynson, Ledoux, Leonard, Marigny, Peets, Porche, Prescott of Avoyelles, Prescott of St Landry, Prudhomme, Pugh, Ratliff, Saunders, Scott of

Baton Rouge, Soulé, Splane, Stephens, Taylor of Assumption, Voorhies, Wadsworth, Wikoff and Waddill, voted against it—30 nays.

Mr Guion's amendment was consequently carried.

Mr Downs moved to amend the report, by adding, "that the secretary receive the same salary allowed by law to the secretary of the Senate and clerk of the House of Representatives, to be paid to him according to the time he may serve," and by striking out the words, "a day."

Mr Penn moved that the specified sum allowed the secretary be mentioned.

Mr Downs accepted the amendment.

The salary granted by law to the secretary of the Senate and clerk of the House of Representatives, is \$2000 per annum.

Mr Conrad called for the yeas and nays on Mr Downs' amendment, and the result was, that

Messrs Aubert, Brazeale, Brent, Briant, Carriere, Cenas, Chambliss, Downs, Dunn, Eustis, Garcia, Grymes, Humble, Ledoux, Marigny, McCalop, Porche, Prescott of St Landry, Scott of Baton Rouge, Soulé, Splane, Voorhies and Wikoff, voted for its adoption—23 ayes.

Messrs Beatty, Benjamin, Boudousquie, Bourg, Brumfield, Burton, Cade, Chinn, Claiborne, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Garrett, Guion, Hynson, Hudspeth, Kenner, King, Labauve, Legendre, Leonard, Lewis, McRea, Mazureau, Mayo, Peets, Penn, Porter, Prescott of Avoyelles, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St Amant, Saunders, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Taylor of St Landry, Trist, Wadsworth, Winchester, Wederstrandt, Winder and Waddill, voted against it—51 nays.

Mr Downs' amendment was therefore lost.

Mr Marigny then moved that the blank be filled with the word "fourteen."

Mr Brent moved to amend Mr Marigny's amendment, by inserting the words "a salary of twelve hundred dollars," and by striking out the words "a day."

Mr Claiborne raised the question of order, whether Mr Brent's amendment to Mr Marigny's amendment could be received.

The President decided that the amendment was in order, and could consequently be received.

Mr Claiborne then moved for the previous question, and his motion prevailed.

Mr Lewis called for the yeas and nays on Mr Marigny's amendment, and the following was the result, viz:

Messrs Aubert, Brazeale, Brent, Burton, Carriere, Cenas, Chambliss, Claiborne, Culbertson, Downs, Dunn, Eustis, Garcia, Grymes,

Hynson, Humble, Ledoux, Leonard, Marigny, McCalop, Mazureau, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, St Amant, Saunders, Scott of Baton Rouge, Scott of Madison, Scott of Feliciana, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Wadsworth, Wickoff, Winchester and Waddill, voted in its favor—49 ayes.

Messrs Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Cade, Chinn, Conrad of Jefferson, Couvillon, Derbes, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, McRea, Roselius, Sellers, Taylor of St Landry, Wederstrandt and Winder, voted against it—25 nays.

Mr Marigny's amendment was consequently adopted.

And, on motion, the report was adopted as amended.

Mr Ratliff presented the following resolution, which was read and adopted.

Resolved by this Convention, That the President be authorized and requested to give to Mr Descoteaux Saucier a warrant for the sum of eighteen dollars for his services, as acting sergeant-at-arms, during the three first days of their session.

Mr Penn presented the following preamble and resolution, viz:

Whereas, every human being is infinitely indebted to the Great Parent of the Universe for the existence and exercise of his moral and intellectual endowments, and, consequently, is dependent on his divine assistance at all times, and especially when engaged in the performance of high and important duties:

And, whereas, the Convention which formed the Constitution of the United States, and both Houses of Congress, as well as many other deliberative bodies of this free, enlightened and highly favored country, have deemed it fit and proper to invoke the divine blessings of Heaven upon their deliberations.

Therefore, be it Resolved, That this Convention will proceed to the election of a suitable divine, to act as Chaplain, whose duty it shall be to open the deliberations of the Convention every morning by prayer.

Mr Kenner moved, as a substitute to the resolution, the following:

Resolved, That the president be authorised to invite each of the Divines in and about Jackson to daily open and close, in turn, the deliberations of this convention by prayer.

Mr Brent moved that the said amendment be divided, and that from and including the word "resolved" to and including the word "open" be the first portion.

Mr Brent's motion was adopted. And the said 1st portion of said amendment was adopted.

The remainder was adopted after striking out the word "close."

The resolution was then adopted as amended.

Mr Lewis moved to amend the preamble by striking out from the second whereas to "the close."

His amendment was adopted; and the preamble was adopted as amended.

Mr Wederstrandt moved that the covention proceed to the election of a door-keeper.

His motion prevailed. And

Mr Wadsworth nominated Mr Louis Exnicios as a candidate.

Mr Waddill nominated Mr J. E. Vance.

Mr Penn nominated Mr M. Miles.

Mr Saunders nominated Mr Pilant.

Mr Wederstrandt nominated Mr Geo. Long.

Seventy-five members being present.

The president appointed Messrs Mayo and Leonard as tellers. And the result was that

Louis Exnicios had received	40	votes.
Geo. Long,	"	" 24 "
Vance,	"	" 4 "
Miles,	"	" 3 "
Pilant,	"	" 3 "
Strattan,	"	" 1 "

Total, 75 votes.

Mr Exnicios having obtained the majority required was declared duly elected door-keeper.

Mr Claiborne moved that the convention proceed to the election of a Printer.

His motion prevailed. And

Mr Penn nominated Messrs Campbell & Graham, editors of the Herald, as candidates.

Mr Miles Taylor, of Terrebonne, nominated Mr J. A. Kelly, editor of the Louisiana Reporter.

Mr Grymes nominated Mr Jerome Bayon, editor of the Louisiana Courier. And

Mr Ratliff nominated Messrs Douglass & Hawthorn, of the Bayou Sara Ledger.

The same tellers were again appointed, and the result of the election was that

Kelly had received	38	votes.
Bayon "	"	28	"
Campbell & Graham,	5	"
Douglass & Hawthorn,	4	"

Total, : 75 votes.

Mr Kelly having obtained a majority was declared duly elected printer of the Convention.

On motion of Mr Downs, the Convention proceeded to the election of a Recording Clerk.

Mr Roselius nominated Mr Alfred Rousseau as a candidate.

Mr Guion nominated Mr F. B. Richardson.

Mr Wederstrandt nominated Mr James B. Harper.

Mr McRea nominated Mr Stringer.

Mr Culbertson nominated D. O. Nadaud.

Mr Legendre nominated Victor Réaud.

Mr Scott of Feliciana, nominated J. E. Bennett.

Mr Scott of Madison, nominated Mr Howell.

Mr Dunn nominated Henry Skipwith.

Mr Couvillon nominated Ambrose Lacour.

Mr Boudousquié nominated Auguste Huard, and

Mr Mazureau nominated Numa Dufour.

The president appointed Messrs Mayo and Lewis as tellers.

The result was that

Mr Richardson, had obtained	22	votes.
" Huard	"	" 12 "
" Nadaud	"	" 15 "
" Rousseau	"	" 4 "
" Bennett	"	" 4 "
" Harper	"	" 4 "
" Stringer	"	" 2 "
" Réaud	"	" 4 "
" Skipwith	"	" 3 "
" Lacour	"	" 2 "
" T. H. Terry	"	" 2 "

Total, 75 votes.

No one of the candidates having obtained the necessary majority the convention proceeded to a second ballot.

The convention were informed by different members, that Messrs Bennett, Rousseau, Réaud. Huard, Lacour and Harper were no longer candidates.

The president appointed the same delegates as tellers, and the result was that

Mr Richardson had received	32	votes.
" Nadaud	"	" 33 "
" Howell	"	" 3 "
" Skipwith	"	" 3 "
" Stringer	"	" 2 "
" Dufour	"	" 1 "
Blank	"	" 1 "

Total, 75 votes.

No candidate having obtained a majority, the convention proceeded to a third ballot.

Seventy-four delegates present.

The same tellers being again appointed, the result was that

Mr Nadaud had received	38	votes.
" Richardson	"	" 36 "

Total, 74 votes.

Mr Nadaud having received the required majority was declared duly elected.

Mr Wadsworth moved that the rules be dispensed with and that the president be authorized to appoint the remaining officers required by the convention.

The president having expressed a reluctance to making the said appointments, and the sense

of the convention having been taken, said motion was lost.

Mr Ratliff moved that the convention proceed to the election of three translating clerks.

Mr Roselius moved to amend Mr Ratliff's motion by requiring that the tickets should designate the language for which the translators were elected. His amendment was lost, and Mr Ratliff's motion prevailed.

Mr Downs moved that the three candidates who received the highest number of votes on the first ballot be declared elected.

His motion was lost.

Mr Roselius nominated Charles Fitz as a candidate.

Mr Cade nominated Alexander Derbes.

Mr Conrad of Jefferson nominated Mr Plantevigne.

Mr Trist nominated Mr Ilsley.

Mr Penn nominated Ed. Louvet.

Mr Voorhies nominated T. Montreuil.

Mr McCatop nominated Augustin Duplantier.

Mr Splane nominated Alcide Meyner, and

Mr Brent nominated St. Colome Davis.

Seventy-four delegates present.

Messrs Ratliff and Lewis were appointed tellers, and the result was that

Mr Montreuil had received	34 votes.
" Duplantier " "	32 "
" Ilsley " "	30 "
Mr Louvet had received	24 votes.
" Derbes " "	24 "
" Fitz " "	23 "
" Meynier " "	13 "
" Plantevigne " "	12 "
" J. Foulhouze " "	2 "
" Huard " "	1 "
" Davis " "	13 "
Blank " "	1 "

None of the candidates having obtained the necessary majority the convention proceeded to a second ballot.

The Convention was informed that Mr Meynier was no longer a candidate.

The same tellers were again appointed.

Mr Montreuil received	48 votes.
" Duplantier " "	48 "
" Ilsley " "	32 "
" Derbes " "	24 "
" Louvet " "	19 "
" St. C. Davis " "	8 "
" Plantevigne " "	4 "

Messrs Montreuil and Duplantier having obtained a majority of votes were declared duly elected.

On motion, the Convention proceeded to a third ballot for a third translating clerk.

The same tellers were appointed.

Mr Fitz received	25 votes.
" Derbes " "	25 "
" Ilsley " "	12 "

None of the candidates having received a majority the Convention proceeded to a fourth ballot.

Seventy-three members present.

The president appointed the same tellers.

Mr Derbes received	39 votes.
" Fitz " "	30 "
" Ilsley " "	4 "

Total, 73

Mr Alexander Derbes having received the requisite majority of votes was declared duly elected.

Mr Guion moved that the Convention adjourn till this evening at 6 o'clock, P. M.

His motion was lost.

On motion of Mr Leonard, the convention proceeded to elect two reporters.

Mr Downs nominated Dennis Corcoran as a candidate.

Mr Marigny nominated J. Foulhouze.

Mr Mazureau nominated Robt. J. Ker.

Mr Porter nominated Lewis Zim.

The president appointed the same tellers.

Mr Ker received	56 votes.
" Foulhouze received	51 "
" Corcoran " "	19 "
" Zim " "	12 "

Messrs Ker and Foulhouze having obtained a majority of votes were declared duly elected.

On motion, the Convention adjourned till tomorrow at 9 o'clock, A. M.

FRIDAY, August 9, 1844.

The Convention was opened by prayer offered by the Rev. Mr. Haggerman. The Convention met pursuant to adjournment.

Members present: Mr Joseph Walker, president; Messrs Aubert, Beatty, Benjamin, Boudousquié, Bourg, Brazeale, Brent, Briant, Brunfield, Burton, Cade, Carriere, Cenas, Chambliss, Chinn, Claiborne, Conrad, Couvillon, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hynson, Hudspeth, Humble, Kenner, King, Labauve, Legendre, Leonard, Lewis, Marigny, McRae, Mazureau, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St Amant, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soule, Splane, Stevens, Taylor of Assumption, Taylor of St Landry, Trist, Voorhies, Wadsworth, Wederstrandt, Winchester, Winder and Waddill.

Mr Splane, presented the following resolution, which was read.

Resolved, That Daniel O'Bryan do now take his seat in this Convention, as a member thereof.

On motion of Mr Ratliff, the foregoing reso

lution was laid on the table, subject to the call of the Convention.

Mr Labauve moved that the President appoint a standing committee, composed of five delegates, to be styled the Committee of elections; and to whom shall be referred all matters connected with elections.

His motion was adopted, and the President appointed Messrs Labauve, Ratliff, Preston, Guion and Brent of said committee.

On motion of Mr Ratliff, the Convention took into consideration the resolution inviting Mr O'Bryan to take his seat as a member of the Convention.

On motion of Mr Ratliff, the same was referred to the committee on elections, with instructions to report at as early a day as possible.

Mr Ratliff offered the following resolution, which was read and adopted, viz :

Resolved, That the President appoint a committee on contingent expenses of this House, composed of five members, whose duty shall be to superintend and control the expenditure of the House, and to audit and settle all accounts which may be charged therein, and also to audit the accounts of the members, for their travel to and from the Convention and their attendance in the House.

The President appointed Messrs Ratliff, Saunders, Benjamin, King and Read, of said committee.

The President submitted the following letter which was read, and

On motion of Mr Claiborne, was referred to the committee of contingent expenses.

JACKSON, August 3, 1844.

*To the Hon. President and Members of the }
State Convention.*

Gentlemen : Believing that the republication of the Journal of the Convention of 1811-12 would be of essential use to the delegates in the present Convention, I determined to publish 500 copies, in pamphlet form, of said Journal, which I have now the honor of submitting to your honorable body. The State Senate, at its last session, fully impressed with the necessity of such publication, if I mistake not, ordered its printing. I leave it to you, gentlemen, to determine what you consider a fair compensation for this work.

I have the honor to be, gentlemen, with high respect and consideration, your most obedient servant,
(Signed;) J. BAYON.

Mr Beatty moved that the rules adopted for the temporary government of the Convention as well as those reported by the committee appointed to report rules for the government of the Convention, and which have not yet been adopted, be printed, to the the number of one hundred copies in English and one hundred copies in French.

His motion was adopted.

Mr Cenas presented the following resolution, which was read and adopted.

Resolved, That places within the bar of the House be allowed on the written order of the President, to such persons connected with the press throughout the State as may be desirous of reporting the deliberations and proceedings of this Convention.

Mr Downs presented the following resolution which was read :

Resolved, That the journals and debates of the Convention be printed by the printer of the Convention, in the form directed in the rules, in English and French, seperately, at least three times a week, and oftener if it be necessary, to keep up with the proceedings of the Convention; and that each member of the Convention be furnished with ——— copies of the journals and debates for distribution among his constituents—each member to select copies in either language.

Mr Guion moved to fill the blank in the foregoing resolution, with the word "five."

Mr Penn moved to amend Mr Guion's motion by inserting "ten," instead of "five."

Mr Penn's amendment was adopted.

Mr Kenner moved that the resolution be referred to a special committee, composed of three delegates, with instructions to inquire into the probable cost of the printing of the journals, as contemplated in the said resolution; and that the committee be further instructed to report on to-morrow.

Mr Kenner's motion prevailed, and

The President appointed Messrs Kenner, Ratliff and Downs, of said Committee.

Mr Ratliff presented the following resolutions, which were read.

Resolved, That the 2d Article of the Constitution of Louisiana be referred to a select committee of ——— members, with instructions to recommend such changes, alterations and amendments, if any they may deem expedient and proper; and to report thereon as soon as practicable.

Be it further resolved, That the 3d article of the Constitution of Louisiana be referred to a select committee, composed of ——— members, with similar instructions.

Be it further resolved, That the 4th article of the Constitution be referred to a similar committee, with like instructions.

Be it further resolved, That the 5th article of the Constitution be referred to a similar committee as the 2d, with similar instructions.

Be it further resolved, That the 6th article of the constitution be referred to a like committee as the second, with the same instructions.

Be it further resolved, That the 7th article of the constitution be referred to a similar committee as the 2d, with the same instructions.

Be it further resolved, That the schedule in

the constitution of Louisiana be also referred to a select committee, of ——— members, with instructions to report upon the same at as early a day as practicable; and to recommend any change, alteration or amendment to the same, if any they may deem proper.

On motion of Mr Wadsworth, the foregoing resolutions were laid on the table, subject to the call of the Convention.

Mr Chinn presented the following preamble and resolution, which were read.

In accordance with the following article of the the constitution of the State of Louisiana, which reads as follows, to-wit:

ART. VII.—*Mode of Revising the Constitution.*

SEC. 1. When experience shall point out the necessity of amending this constitution, and a majority of all the members elected to each House of the General Assembly shall, within the first twenty days of their stated annual session, concur in passing a law specifying the alterations intended to be made, for taking the sense of the good people of this State, as to the necessity and expediency of calling a Convention, it shall be the duty of the several returning officers, at the next general election which shall be held for Representatives, after the passage of such law, to open a poll for and make return to the secretary for the time being, of the names of all those entitled to vote for representatives, who have voted for calling a convention; and if thereupon it shall appear that a majority of all the citizens of this State, entitled to vote for representatives, have voted for a Convention, the General Assembly shall direct that a similar poll shall be opened, and taken for the next year; and if, thereupon it shall appear, that a majority of all the citizens of this State entitled to vote for Representatives have voted for a Convention, the General Assembly shall, at their next session call a Convention to consist of as many members as there shall be in the General Assembly and no more; to be chosen in the same manner and proportion, at the same places and at the same time that Representatives are, by citizens entitled to vote for Representatives; and to meet within three months after the said election, for the purpose of re-adopting, amending or changing this constitution. But if it shall appear by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for Representatives, did not vote for a Convention, a Convention shall not be called.

The Legislature of the State of Louisiana, in General Assembly convened, passed the following act:

AN ACT *For taking the sense of the good people of this State as to the necessity and expediency of calling a Convention, to Amend the Constitution.*

SECTION 1. *Be it enacted by the Senate and*

House of Representatives of the State of Louisiana, in General Assembly convened, That the sense of the people of this State be taken at the next general election, as to the necessity and expediency of calling a convention to amend the constitution, by incorporating in it the following principles and provisions.

1st. That the eighth section of the second article of the constitution be amended, so as to fix and determine in a more specific manner the qualifications of all persons exercising the right of suffrage.

2d. That a more equal and just system of Representation, both in the Senate and House of Representatives, be adopted; so that each parish and every section of the State may be more equally represented, in proportion with the respective population of each.

3d. That the Governor be elected by the people alone, without the intervention of the Legislature, whenever he shall have had an absolute majority of the whole vote given.

4th. That the second and third sections of article 4th of the constitution be amended, so as to enable the Legislature, if they deem proper, to enlarge the jurisdiction of the Supreme Court, by conferring on it a general supervisory control over inferior Courts, and making it a Court of Errors in civil and criminal cases.

5th. That the third section of said article 4th of the constitution be amended, so as to authorize other places, besides those mentioned in said section, for holding the sessions of the Supreme Court.

6th. That the preamble of the constitution be so amended, as to include the Florida section of the State in the formerly prescribed limits of the State of Louisiana.

SEC. 2. *Be it further enacted, &c.* That in all writs of elections issued by the Governor, and in all the notices or advertisements by parish judges and other officers, for the next general election, it shall be announced and proclaimed that the votes of the people are to be taken as to the expediency of calling a Convention to amend the constitution; and it shall be the duty of the judges of elections and sheriffs or other officers attending them, to make it known to the voters at the time of voting.

SEC. 3. *Be it further enacted, &c.* That at the next general election, every voter shall express in the vote he gives for Representative or other officer, his opinion for or against a Convention: and it shall be the duty of the judges of election and the several returning officers at the said election, to open a poll for and make a return to the Secretary of State for the time being, of the names of all those entitled to a vote for Representative, who have voted for calling a Convention, and those who voted against it, with the number of votes for and against it; and during the first week of

the next succeeding session of the General Assembly, the number of votes thus taken and returned, shall be received and counted by the President of the Senate and Speaker of the House of Representatives, in presence of both Houses, assembled in joint session, and the result of the votes as to calling a Convention, ascertained, proclaimed and recorded in the journals of both Houses, in the same manner as the vote for Governor.

(Signed,) WM. DEBUYS,
Speaker of the House of Representatives.

(Signed,) FELIX GARCIA,
President of the Senate.

Approved, January 30, 1841.

(Signed,) A. B. ROMAN,
Governor of the State of Louisiana.

Now in obedience to the said act, the people of the State of Louisiana, as is therein required, did, on the said two several occasions, by a majority of all the qualified voters of said State, declare that they did desire a Convention to be called, and in consequence thereof the Legislature passed an act, which was approved on the — day of —, in the year 1844. Now, in virtue of the said last mentioned act of the Legislature, this Convention met in the town of Jackson, on Monday, the 5th day of August, 1844, and having organized itself, as the law and common usage requires :

It is, therefore, Resolved, That this Convention has no other power and authority, to alter or amend the said Constitution of the State of Louisiana than is pointed out and designated by the said act of the Legislature of the State of Louisiana, approved on the 30th Jan., 1841.

Mr Dunn presented the following as a substitute to Mr Chinn's resolution, viz :

Resolved, That a Committee be appointed to report, specifically, what changes in the constitution of this State and what amendments thereto shall be considered by this Convention.

Said resolution was read, and the President decided the same was out of order.

Mr Grymes then moved that Mr Chinn's resolution be rejected ; and

Mr Downs called for the yeas and nays, on Mr Grymes' motion.

The result was, that

Messrs Aubert, Beatty, Benjamin, Bondousquie, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Cenas, Chambliss, Claiborne, Couvillon, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hynson, Humble, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Lewis, Marigny, McCalop, McRea, Mazureau, Mayo, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St Landry, Preston, Prudhomme, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stevens,

Taylor of Assumption, Taylor of St Landry, Trist Voorhies, Wadsworth, Wederstrandt, Wikoff, and Winchester, voted in favor of the motion—66 yeas ; and

Messrs Chinn, Conrad, Culbertson, Hudspeth, Pugh and Winder, voted against it—6 nays.

The resolution was consequently rejected.

On motion of Mr Sellers, the Convention took again into consideration Mr Ratliff's resolution, appointing committees to whom be referred the different portions of the Constitution ; and

Mr Wadsworth presented the following resolution, as a substitute to Mr Ratliff's resolution, viz :

Resolved, That a committee of — members be appointed by the President of this Convention, to whom shall be referred the subject of the distribution of the powers of Government of the State of Louisiana, as set forth in the first article of the constitution of the State, with instructions to recommend such changes, alterations and amendments, if any they may deem proper and expedient, and report thereon as soon as possible.

2d, That a similar committee, composed of — members be appointed, as aforesaid, with similar instructions, to recommend such changes, alterations and amendments, if any they may deem proper and expedient, on the subject of the Legislative department, as set forth in the second article of the constitution.

3d, That a similar committee composed of — members be appointed, as aforesaid, with similar instructions, to recommend such changes, alterations and amendments, if any they may deem proper and expedient, on the subject of the Executive Department, as set forth in the 3d article of the constitution.

4th. That a similar committee, composed of —, members, be appointed as aforesaid, with similar instructions, to recommend such changes, alterations and amendments, if any they may deem proper and expedient on the judiciary department, as set forth in the 4th article of the constitution.

5th, That a similar committee, composed of — members, be appointed as aforesaid, with similar instructions, to recommend such changes, alterations and amendments, if any they may deem proper and expedient, on the subject of impeachment, as set forth in the 5th article of the constitution.

6th, That a similar committee, composed of — members, be appointed as aforesaid, with similar instructions, to recommend such changes, alterations and amendments, if any they may deem proper and expedient, on the subject concerning general provisions, as set forth in the 6th article of the constitution.

7th, That a similar committee, composed of — members, be appointed as aforesaid,

with similar instructions, to recommend such changes, alterations and amendments, if any they may deem proper and expedient, on the subject concerning the mode of revising the constitution, as set forth in the 7th article of the constitution.

8th, That a similar committee, composed of — members, be appointed as aforesaid, with similar instructions, to recommend such changes, alterations and amendments, if any they may deem proper, on the subject of the schedule.

The substitute was read.

Mr Sellers offered the following substitute to Mr Wadsworth's substitute.

Resolved, That a committee be appointed to consist of one member from each Senatorial district, to take into consideration and report the best mode to bring before this Convention, the alterations or amendments proposed to be made to the present constitution of the State of Louisiana.

Mr Sellers' substitute was rejected.

Mr Benjamin moved to fill up the blanks in the substitute offered by Mr Wadsworth, by inserting—in the 1st the word, *three*; in the 2d, the word *seventeen*; in the 3d, the word *seven*; in the 4th, the word *thirteen*; in the 5th, the word *five*; in the 6th, the word *thirteen*; in the 7th, the word *seven*; in the 8th, the word *seven*.

Mr Benjamin's motion was adopted.

The Convention then adopted Mr Wadsworth's substitute.

Mr Porter submitted the following resolution, which was read and adopted.

Resolved, That a committee of five members be appointed, to report a bill of rights, to be incorporated in the new constitution.

Mr Preston moved that the secretary of the Convention be directed to furnish one of the clerks of the Convention to the committee on elections.

His motion was adopted.

On motion, the Convention adjourned, till tomorrow, at 9 o'clock.

—
SATURDAY, August 10, 1844.

The Convention met agreeably to adjournment.

Members present—Messrs. Joseph Walker, president; Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Burton, Briant, Brumfield, Cade, Carriere, Cenas, Chambliss, Chinn, Claiborne, Conrad of Jefferson, Couvillon, Culbertson, Derbés, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hynson, Hudspeth, Humble, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Lewis, McCalop, McRea, Marigny, Mazureau, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston,

Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soule, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Wederstrandt, Winchester, Winder, and Waddill.

The Convention was opened with prayer by the Rev. Mr Mercer.

On motion of Mr King, Mr Wikoff was excused from attendance on account of indisposition.

Mr Mayo offered the following resolutions, which was read :

Resolved, That a committee of — members be appointed to report on amendments to the preamble of the Constitution so as to include the Florida section of the State in the formerly prescribed limits of the State of Louisiana, and such other amendments as the committee may think proper.

Resolved, That a committee of — members be appointed to consider and report whether any, and if any, what provisions ought to be made by the constitution upon the subject of Education, and the encouragement and promotion of literature.

Mr Leonard moved that the blank in the first resolution be filled with the word "three."

His motion was adopted, and the resolution was adopted.

Mr Cade moved that the blank in the second resolution be filled with the word "five." His motion prevailed, and

On motion, the said second resolution was adopted.

Mr Preston, on behalf of the majority of the committee on elections, made the following report, which was read :

REPORT OF THE MAJORITY.

Loyd Wilcoxon, Esq., claims a seat in the Convention, as duly elected to represent the people of the parish of Vermillion. In support of his election the committee are referred to the 7th article and to the 5th section of the second article of the Constitution, which prescribes the manner in which Representatives to the Legislature shall be elected, and that members of the Convention shall be elected in the same manner. The committee are of opinion that to support his claim an Act of the Legislature should have been passed prescribing that the parish of Vermillion should elect one Representative Delegate to the Convention, especially as a few days before its creation as a parish the General Assembly had prescribed that the parish of Lafayette, including the territory out of which Vermillion was formed, should choose two Representative Delegates to the Convention; moreover, that the Governor should have directed by proclamation an election to be held for a Delegate to the Convention from that parish; that the parish judge should have notified

the voters of the election, and that the commissioners of election should have counted and returned only the votes given for a single Delegate, and not those given for two delegates.

But no law was passed, in pursuance of the Constitution, directing one delegate to be elected in the parish of Vermillion; no executive proclamation was issued ordering such an election. The parish Judge of Vermillion gave no notice that such an election would be held; votes were given for two delegates and for a single delegate—the votes for two delegates and for a single delegate were counted indiscriminately by the commissioner of election, and have been returned by the parish judge.

For these reasons the committee cannot decide that there has been a constitutional and legal election of a single and separate delegate for the parish of Vermillion, and are therefore of opinion that Mr Wilcoxon has not been duly elected a member of this Convention.

Daniel O'Bryan, Esq., claims a seat in the Convention, as having been duly elected to represent the citizens of that portion of this State which formerly constituted the parish of Lafayette, but now the parishes of Lafayette and Vermillion.

The Constitution of the State prescribes "that the General Assembly shall call a Convention to consist of as many members as there shall be in the General Assembly, and no more; to be chosen in the same manner and proportion, at the same place and at the same time that Representatives are, by citizens entitled to vote for Representatives." This provision of the Constitution expressly requires a legislative act to carry it into effect. Indeed, in general, the provisions of the Constitution requiring acts to be done, can only be carried into effect by laws passed for the purpose.

In pursuance of this principle, the General Assembly, by an act approved the 18th of March, 1844, directed "that at the time of choosing representatives to the State Legislature, at the next July election, there shall also be elected seventy-seven persons to serve in a State Convention, to-wit: [enumerating all the parishes, and, among others,] for the parish of Lafayette two members."

A few days afterwards, on the 28th of March, 1844, the General Assembly passed a law dividing the parish of Lafayette and creating out of a part of its territory a new parish, called Vermillion, and directed one of the two Representatives to the Legislature to which the parish of Lafayette was entitled, to be elected by the new parish; but did not direct a separate election in that parish for a delegate to the Convention—nor amend the act just passed calling a Convention.

The Governor ordered the execution of this law, calling the Convention by proclamation, dated the 17th May, 1844, directing two dele-

gates to be elected from the parish of Lafayette, and by referring to the law itself evidently meant by the parish of Lafayette "*the territory embraced in the parish at the time the law was passed*—to-wit: that of which Lafayette and Vermillion are now composed.

The parish judge of Lafayette gave the legal and necessary notice for the election of two delegates to the Convention in his parish. The committee think the parish judge of Vermillion should have given a like notice in his parish. Mr O'Bryan and a sitting member of the Convention for the representative district canvassed in both parishes; Mr Wilcoxon, it appears, canvassed only in the parish of Vermillion, but was voted for in both parishes. Votes for two delegates were given in both parishes, though in the parish of Vermillion many citizens voted for but a single delegate. The votes given for two delegates were counted by the commissioners of election, and in the two parishes Mr O'Bryan obtained a majority of the votes.

From these facts the committee infer that the General Assembly considered that the act calling the Convention governed this case, because having just passed it, they did not, in dividing the parish of Lafayette, amend it, or make any provision for the separate election of a Delegate to the Convention from the parish of Vermillion. The executive was evidently of the same opinion, as proved by his proclamation ordering the act calling a Convention to be carried into effect, *as passed*. The judges of election concurred in the opinion, because they counted and returned the votes given for two delegates, as well as those given for a single delegate. The aggregate majority of citizens of the two parishes coincided in the opinion, because they gave votes for two delegates instead of one in both parishes.

The committee would be unwilling to adopt a contrary opinion, unless forced upon them by the constitution of the State. The constitution does not require it; on the contrary, the constitution required the act calling a Convention. The provisions of the act for the election of senatorial delegates, of representative delegates, and for the returns and certificates of election, were all not only constitutional but necessary and proper—provisions without which there would probably have been great irregularities and uncertainty in the election. The proportion of delegates fixed by the law necessarily referred to the number of the members of the General Assembly existing at the time the law was passed. The constitution was literally observed, by voting for the two delegates at the time and places of voting for a representative in each parish. The law calling the Convention was, as all will admit, a constitutional law; when passed, all its provisions were necessary and proper. The com-

mittee cannot conceive that the passage of a subsequent law could make its provisions unconstitutional, and if not Mr O'Bryan is constitutionally, legally and duly elected representative delegate from the portion of the State now constituting the parishes of Lafayette and Vermillion, and your committee accordingly recommend that he be admitted to his seat in the Convention.

All which is respectfully submitted to the consideration of the Convention.

Mr Labauve, on behalf of the minority of the same committee, made the following report :

REPORT OF THE MINORITY.

To the Hon. President of the Convention:

The standing committee on elections having differed in opinion, the undersigned members of that committee, beg leave to make this, their separate report, upon the contested seat between Mr Loyd Wilcoxon and Daniel O'Bryan.

The facts, as evidenced by the certificates of the parish judges of the parishes of Lafayette and Vermillion, respectively, are :

That each of said parishes voted separately for three delegates to this Convention.

Mr Robert Cade obtained, in the parish of Lafayette, 280 votes.
Vermillion, 60 "

Total, 340 votes.
Daniel O'Bryan received in the parish of Lafayette, 237 votes.
Vermillion, 94 "

Total, 331 votes.
Loyd Wilcoxon received in the parish of Lafayette, 43 votes.
Vermillion, 111 "

Total, 154 votes.

The law calling this Convention was approved March 18th, 1844, before the incorporation of the parish of Vermillion, formed out of the parish of Lafayette by an act passed March 25th, 1844. As the parish of Vermillion was not known on the 18th March, 1844, the law calling this Convention allowed two conventional delegates to the parish of Lafayette which was then represented in the Legislature by two representatives. The law subsequently passed forming the parish of Vermillion, provided for one representative in the Legislature, leaving the parish of Lafayette to be represented by one alone ; under these laws the election took place in July last, 1844, and the parishes of Lafayette and Vermillion voted respectively for one representative each. The question to be decided by this convention in relation to the contested seat between Loyd Wilcoxon and D. O'Bryan is one of law, and involving a proper interpretation of our State

Constitution. That is, could both parishes vote together under the constitution, for two delegates, when each one was entitled to one representative alone? We find the following clause in the constitution:

"The General Assembly shall, at their next session, call a Convention to consist of as many members as there shall be in the General Assembly, and no more, to be chosen in the same manner and proportion, at the same places, and at the same time, that representatives are, by citizens entitled to vote for representatives."

It is contended, and it will be contended, that under the law calling this convention, both parishes were to vote together for two delegates; would that be in compliance with the above clause of the constitution? We answer in the negative.

If the law calling a convention, instead of declaring that the parish of Lafayette should send two delegates, had followed and taken the clause in the constitution, there would have been no difficulty, and no one could have pretended that Lafayette and Vermillion should have voted together for two delegate. For instance, if the law had declared, that at the time of choosing representatives to the State legislature, at the next July election, there shall also be elected seventy-seven persons, to serve in the State convention, to be chosen in the same manner and proportion, at the same places, and at the same time that representatives are, by citizens entitled to vote for representatives, the words manner, proportion, places and time have respectively their proper meaning and sense. The expression "by citizens entitled to vote for representatives," has also a particular meaning. The same manner means that the votes should be by ballot; the same proportion, means that each parish in existence at the time of the election, should have the same number of delegates as representatives, and each senatorial district a delegate, same places and time, means that delegates must be voted for when and where representatives are. The expression "by citizens entitled to vote for representatives," means that one must be entitled to vote for representatives of the parish where he offers his vote, to vote for a delegate or delegates. In the case in question, the voters of Lafayette voted for one representative for that parish; how could they, under the above clause of the constitution, vote for two delegates? The electors of Vermillion voted for one representative; how could they vote for two delegates? Would that be considered as voting in the same proportion as contemplated by the constitution. The words in the constitution, to be chosen (meaning the delegates) in the same manner and proportion, at the same places, and at the same time, must all refer to the time when the election is held for represen-

tatives, and not to that of the passages of the law calling a convention.

We, therefore, consider that the law creating the parish of Vermillion, giving to it a representative, and leaving one alone for the parish of Lafayette, necessarily and explicitly amended the clause in that law calling the convention, giving two delegates to the parish of Lafayette, and that all the votes given in the latter parish to the contestants are null and void, considering that they could vote for one delegate only, and Robert Cade having obtained in that parish two hundred and eighty votes.

We, therefore, conclude that Loyd Wilcox, having obtained a majority of votes in the parish of Vermillion, is entitled to a seat in this convention as the delegate of the said parish, under the constitution and the laws of the State. Respectfully submitted,

(Signed) ZENON LABAUVE,
GEORGE S. GUION.

Mr Labauve's report was read, and

On motion of Mr Lewis, both that and the report made by the majority of the committee were laid on the table till Monday next, and were also ordered to be printed with all the documents connected therewith, for the use of the members of the Convention.

The president appointed the following Committees, called for by the resolutions adopted yesterday in relation to the different portions of the Constitution, viz :

Committee on the First Article.—Distribution of Power—Messrs Wadsworth, Peets and Sellers.

Committee on the Second Article.—Legislative Department—Messrs Downs, Marigny, Conrad of Jefferson, Mayo, Voorhies, Chinn, Scott of Baton Rouge, Boudousquié, Winchester, Brazeale, Scott of Feliciana, Taylor of Assumption, McRea, Porche, Chambliss and Prescott of St. Landry.

Executive Department.—Third Article—Messrs Roman, Ledoux, Kenner, Couvillon, Benjamin, Claiborne and Scott of Madison.

Judiciary.—Fourth Article—Messrs Grymes, Eustis, King, Brent, Soule, Roselius, Read, Saunders, Guion, Preston, Labauve, Trist and Garrett.

Impeachment.—Fifth Article—Messrs Garcia, Hynson, Winder, Dunn and St. Amant.

General Provisions.—Sixth Article—Messrs Lewis, Splane, Waddill, Pugh, Wikoff, Prudhomme, Beatty, Wederstrandt, Mazureau, Cenas, Culbertson, Aubert and Legendre.

Mode of revising the Constitution.—Seventh Article—Messrs Ratliff, Burton, McCalop, Stevens, Humble, Briant and Brumfield.

Schedule.—Eighth Article—Messrs Penn, Cade, Bourg, Prescott of Avoyelles, Derbes and Taylor of St. Landry.

Bill of Rights.—Ninth Article—Messrs Porter, Preston, Hudspeth and Benjamin.

Mr. Conrad presented the following resolution which was read :

Resolved, That it is the sense of this Convention that the result of its labors, before going into effect, should be submitted to the people of the State for their approval or rejection.

Mr Garrett offered the following as an amendment to the foregoing ; to be added at its end :

And, that all to whom the right of suffrage shall be extended by said Constitution as amended or changed, shall be entitled to the right of voting on the same : and further, that the committee be directed to report a provision to this effect.

Said amendment was read ; and

On motion of Mr. Kenner, it, as well as the said resolution were referred to a select committee of three members, with instructions to report after the adoption of the Constitution.

The President appointed Messrs F. B. Conrad of Jefferson, Garrett and Soulé of said committee.

Mr. Sellers presented the following resolution which was read :

Resolved, That the Secretary of State be requested to prepare and lay before this Convention, a tabular statement showing the white, free colored and slave population of each parish of this State, according to the census taken in the years 1820, 1830 and 1840 respectively ; the area of each parish in square miles or acres : Also, ——— maps of the most approved kind, of the State of Louisiana, for the use of the Convention.

Resolved, that the Treasurer be requested to prepare and lay before this Convention a tabular statement showing the amount of Taxes assessed in each parish, each subject on which a tax was assessed, and the amount assessed on each in the year 1843. Also, the amount of taxes assessed in each city and incorporate town in this State, showing (as above) the amount assessed on each object of taxation.

Mr. Leonard moved to amend the foregoing resolutions, by adding at their end :

Resolved, That the Secretary of the Convention endeavor to procure the statements called for in the above resolutions,

and if they cannot be procured in sufficient numbers for the use of the Convention, to cause such numbers to be printed and charged to the Convention.

Said amendment was adopted; and the resolutions were adopted as amended.

Mr. Kenner, presented the following report, viz :

The committee to whom was referred the resolution to ascertain what compensation shall be allowed to the printer elected by the Convention for printing the debates and journals of the Convention beg leave to report as follows ; That the sum of two thousand dollars be allowed said printer, as contemplated by the resolution referred to the committee, and that said resolution be so amended that the number of ten copies in French and English, to be furnished, each member, be printed in his newspaper and in pamphlet form, only at the end of the session to the number of one thousand copies.

Said report was read, and Mr. Kenner, the Chairman of said committee, offered the following as a substitute to the report of the committee :

The committee to whom was referred the resolution to ascertain what compensation shall be allowed the printer elected by the Convention for printing the debates and journals of the Convention, beg leave to report as follows :

That, for ten copies of the Louisiana Reporter furnished to each member three times a week as ordered in the resolution, the sum of \$1500 be allowed; and that for one thousand copies in each language, to be printed in book form, in French and English, and furnished at the close of the session, the printer be allowed at the rate of \$2 per page—each page to contain the same amount of printed matter as the Journal of 1811-12 as printed by J. Bayon.

Said substitute was read, and Mr. McRae moved that it be laid on the table subject to call. His motion was lost.

Mr. Penn then called for the yeas and nays, on the adoption of the said substitute; and

Messrs. Aubert, Beatty, Benjamin, Boudousquié, Bourg, Briant, Brumfield, Burton, Cenas, Chinn, Claiborne, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Garcia, Garrett, Guion,

Hudspeth, Humble, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Lewis, McCalop, Mayo, Mazureau, Porche, Porter, Preston, Prudhomme, Pugh, Ratliff, Roman, Roselius, St. Amant, Saunders, Sellers, Stevens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Wederstrandt, Winchester and Winder voted for its adoption—52 yeas; and

Messrs. Brazeale, Brent, Cade, Carrieré, Chambliss, Couvillon, McRea, Marigny, Peets, Penn, Prescott of Avoyelles, Prescott of St. Landry, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane and Waddell voted against its adoption—19 nays.

The substitute was consequently adopted.

Mr. Downs moved that the resolution presented by him yesterday, and which is as follows :

“Resolved, that the journals and debates of the Convention be printed by the printer to the Convention, in the form directed by the rules, in English and French separately, at least three times a week, and oftener if it be necessary, to keep up with the proceedings of the Convention, and that each member of the Convention be furnished with ten copies of the journals and debates, for distribution among his constituents, each member to select copies in either language,” be amended

By saying, “*ten copies of the paper,*” instead of “*the journals.*” Said amendment was adopted, and the resolution was adopted as amended.

Mr. Downs presented the following resolution, which was read :

Resolved, That it shall be the duty of the secretary of the Convention to cause to be published in one of the newspapers printed in each Congressional district, to be selected by the delegates from the district, except that in which the Convention sits, the journal and debates of the Convention, provided it can be done at a price not exceeding two hundred and fifty dollars to each paper, and that a copy of the paper be sent to each member of the Convention,

Mr. Downs called for the yeas and nays on the adoption of the foregoing resolution :

Messrs. Aubert, Brazeale, Brent, Briant, Cade, Cenas, Chambliss, Culbertson, Downs, Eustis, Garcia, Guion, Humble, Hynson, Ledoux, Leonard, Porche, Prescott of Avoyelles, Prescott of St. Landry, Scott of Madison, Soulé, Taylor of Assumption, and Wadsworth voted in favor of its adoption—23 yeas ; and

Messrs. Beatty, Benjamin, Boudousquié, Bourg, Burton, Carriere, Chinn, Claiborne, Conrad of Jefferson, Couvillon, Derbes, Dunn, Garrett, Grymes, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, McCalop, McRea, Marigny, Mayo, Mazureau, Peets, Penn, Porter, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St Amant, Scott of Baton Rouge, Scott Feliciana, Splane, Stevens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt, Winchester and Winder voted against its adoption—47 nays.

The resolution was consequently lost.

Mr. Ratliff presented the following resolution, which was read :

“ Resolved, That the treasursr of the State be requested to make the necessary arrangement to have the warrants of members for their mileage and per diem paid in the town of Jackson, as well as the necessary contingent expenses of the Convention, and for that purpose, that he remain in attendance on the Convention, or be authorized to employ a suitable and competent agent, who shall be constantly in attendance on the Convention during its sittings, and that the sum of dollars per diem snall be allowed him as a compensation.”

On motion of Mr. Lewis, the said resolution was amended, by striking out the words “ *sum of dollars per diem,*” and inserting “*per diem and mileage of a delegate for New Orleans.*”

On motion, the said resolution was then adopted as amended.

Mr. Ratliff offered the following resolution, which was read and adopted :

“ Resolved, That the form of the warrants for the mileage and per diem of members of this Convention, as well as the necessary contingent expenses of the House shall be in the form of the warrants used in the House of Representatives of Louisiana, and shall be signed by the President and countersigned by the Secretary

and approved by the Chairman of the Committee on Contingent Expenses, or some other member of said committee.”

The President submitted the following letters, which were read :

To the Convention of the State of Louisiana, convened at Jackson :

I, J. B. Planché, undersigned, now appears before this honorable body, and begs leave to claim a seat in the Convention, in lieu and place of J. P. Benjamin; having, at the election held in New Orleans, on the first day of July last, obtained a higher number of the votes legally polled than the said J. P. Benjamin ; and the undersigned further states, that the return made of the votes received and polled in the Second Ward of the Second Municipality of the said city of New Orleans, is illegal, and can have no effect.

At an early hour on the day of election, one of the inspectors of election at the said ward, to wit, S. W. Waters, had, through fear of violence, to leave the poll, and the other inspector, Vienne, continued to hold the election and to receive the votes against the consent and in the absence of of the said Waters. The election in the said ward was not therefore held according to law; no legal return of the same could be effected by a single inspector, and the whole is therefore vitiated, null and void.

And on account of these informalities, and others, which are exhibited by the returns themselves, the undersigned contends that J. P. Benjamin is not duly elected, and that the undersigned is entitled to claim and to hold a seat in the Convention in lieu and place of the said J. P. Benjamin.

(Signed) J. B. PLANCHE.

Jackson, La., Aug. 10, 1844.

To the Convention of the State of Louisiana, convened at Jackson :

I, Emile Lasere, undersigned, now appears before this honorable body, and begs leave to claim a seat in the Convention, in lieu and place of C. M. Conrad, having, at the election held in New Orleans, on the first day of July last, obtained a higher number of the votes legally polled than the said C. M. Conrad, and the undersigned further states, that the return made of the votes received and polled in the Second Ward of the Second

Municipality of the said city of New Orleans, is illegal, and can have no effect.

At an early hour on the day of election, one of the inspectors of election at the said ward, to wit, S. W. Waters, had, through fear of violence, to leave the polls, and the other inspector, Vienne, continued to hold the election and to receive the votes, against the consent and in the absence of the said Waters. The election in the said ward was not therefore held according to law; no legal return of the same could be effected by a single inspector, and the whole is therefore vitiated, null and void. And on account of these informalities, and others which are exhibited by the returns themselves, the undersigned contends that C. M. Conrad is not duly elected, and that the undersigned is entitled to claim and to hold a seat in the Convention, in lieu and place of the said C. M. Conrad.

(Signed) EMILE LASERE.

Jackson, La, Aug. 10, 1844.

On motion of Mr. Penn, said letters were referred to the committee of elections; and on motion of Mr. Ratliff, said committee were empowered to send for persons and papers, and examine the same.

Mr. Carriere presented the following preamble and resolution, which were read :

“Whereas, the financial situation of the State requires that its Government should be administered on the most economical plan, to relieve the good people of this State from the burthens of taxation, and to preserve as far as possible the good faith and honor of the State, and facilitate the fulfilment of all its engagements, with as little burthen to the people thereof as possible ;

“Be it therefore resolved by us, the representatives of the people here in Convention assembled ;

“That the members of this Convention will not receive from the public treasury any pay, mileage or other compensation for their attendance or services in this Convention, but that the money appropriated by law for that purpose, shall remain in the treasury, to be applied to the ordinary purposes of the State.”

Mr. McRea presented the following substitute to the foregoing resolution, which was read ;

“Resolved, That all those who feel disposed to leave their pay in the treasury, are authorized to do so.”

Mr. Ledoux moved to lay the substitute and resolution on the table indefinitely.

Mr. Chinn moved to adjourn till Monday next, at nine o'clock A. M.

His motion was lost.

Mr. Ledoux then called for the yeas and nays on his motion to lay Mr. Carriere's resolution and the substitute offered thereto on the table, and the result was that

Messrs. Aubert, Beatty, Boudousquie, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Cenas, Chambliss, Chinn, Claiborne, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Downs, Duun, Eustis, Garcia, Garrett, Guion, Hudspeth, Humble, King, Labauve, Ledoux, Legendre, Leonard, Lewis, McCalop, McRea, Mayo, Mazureau, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roselius, St. Amant, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Stevens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth and Wederstrandt voted in favor of the motion—59 yes; and

Messrs. Benjamin, Carriere, Grymes, Kenner, Marigny, Penn, Roman, Saunders, Sellers, Soulé, Splane, Winchester and Winder voted against it—13 nays. The motion was consequently adopted.

Mr. Mayo gave notice that on Monday he would call for the reconsideration of the resolution in relation to the printing of the debates and journals of the Convention.

On motion, the Convention adjourned till Monday next, at 10 o'clock A. M.

MONDAY, August 12, 1844.

The Convention met, agreeably to adjournment.

Members present: Mr Joseph Walker, president; Messrs Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Cenas, Chambliss, Chinn,

Claiborne, Conrad of Jefferson, Couvillon, Culbertson, Derbés, Downs Dunn, Eustis, Garcia, Garrett, Grymes Guion, Hudspeth, Humble, Hynson, King, Labauve, Legendre, Leonard, Lewis, McCalop, Marigny, Mayo, Mazureau, Peets, Penn, Porche, Porter, Prescott of St Landry, Prescott of Avoyelles, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St Amant, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soule, Splane, Stevens, Taylor of Assumption, Taylor of St Landry, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Winchester and Winder.

The Convention was opened by prayer offered by the Rev. Mr. Lacy.

On motion of Mr Trist, Mr Kenner was excused from attending on account of indisposition.

The president appointed Messrs Voorhies, Claiborne and Read of the Committee, called for by the resolution directing the committee on the preamble of the Constitution to include the Florida section of the State in the formerly prescribed limits of the State; and

Messrs Mayo, Eustis, Winchester, King and Scott of Feliciana of the Committee, appointed by the resolution appointing a committee to consider and report whether any, and if any, what provisions ought to be made by the constitution upon the subject of Education and the encouragement and promotion of literature.

Agreeably to previous notice, Mr Mayo moved to reconsider the resolution in relation to the printing of the Journal and Debates of the Convention.

His motion was lost.

Mr Downs, of the committee appointed on the legislative department, moved that said committee be authorized to appoint a clerk.

His motion was adopted.

Mr Leonard presented the following preamble and resolution which were read:

WHEREAS it is the utmost importance that the office of the different state officers who have been elected to this Convention, do not remain vacant during the time said officers shall be in attendance in this Convention—

Resolved, That the office of the parish judges and district judges now vacant by the election of said officers to this Convention be filled as follows:

The office of the parish judges by the senior justice of the peace of said parish:

The offices of the district judges by the parish judge of said districts:

Any thing to the contrary in the present constitution notwithstanding.

Resolved further, That a copy of this resolution signed by the president of this Convention and countersigned by the secretary be forwarded to the said parish judges and senior jus-

tices of the peace, and to be entered by them on the record of the parish court of said parishes.

Mr Chinn moved that the foregoing resolution be rejected, and

Mr Lewis called for the yeas and nays, on Mr Chinn's motion, and

Messrs Aubert, Beatty, Benjamin, Boudousquié, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Cenas, Chambliss, Chinn, Claiborne, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hudspeth, Humble, Hynson, King, Labauve, Ledoux, Legendre, Lewis, McCalop, McRea, Mazureau, Mayo, Peets, Penn, Porter, Prescott of St Landry, Prescott of Avoyelles, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Winchester and Winder voted in favor of the motion—68 yeas.

Mr Leonard voted against the motion—1 nay.

The resolution was consequently lost.

Mr Sellers moved that the secretary of the Convention be directed to obtain a census of the voters of this State to be printed with the other statistical documents ordered to be printed for the use of the Convention.

On motion of Mr Preston, Mr Sellers' motion was amended by requiring a condensed statement of the votes given in every parish of the State at the last general election.

Mr Benjamin moved to amend this amendment by inserting the votes given by the two last elections.

The above amendments were adopted, and Mr Sellers' motion as amended was adopted.

The president submitted the following letter, which was read, and

On motion of Mr Ratliff, was laid on the table indefinitely:

To the Honorable the President and members of the Convention.

Gent.—Believing it to be the wish of each member of your honorable body to disseminate as widely as possible amongst his constituents all information of interest connected with your deliberations and action in the formation of a Constitution.

We have deemed it advisable and not improper to offer an opportunity for effecting in part an end so desirable by proposing a republication from your authorized journal of your proceedings, journal, debates *in extenso*, &c., in the "Concordia Intelligencer."

We are willing to do this in the best possible manner, and furnish weekly for the use of the Convention 100 copies of the paper contain-

ing them for the sum of two hundred and fifty dollars.

Our journal is a neutral family paper, and it has a circulation larger than any paper in the State published out of New Orleans, and superior, so far as a country circulation is concerned, to a very large majority of the city papers—and is generally taken in some seven of the north-western parishes, which being as yet *unblest* with mail facilities, we are compelled to supply by private transportation—arrangements for securing which not being made by other journals, no other does or can circulate to any great extent.

The impression having gone abroad amongst the citizens of the State that the Constitution, when perfected by your labors, shall be placed before them for adoption or rejection, how important will it be under these circumstances, that each individual be most fully informed of your action, that the features of the Constitution may be understood, and the views and motives which govern you in their adoption be completely known and properly appreciated.

These and other reasons we hope will induce your favorable action upon a proposition which has for its object the information of the people upon a matter highest in importance to each of your constituents, and in which is involved the future weal of Louisiana.

Very respectfully,

Your obedient servants,

(Signed) PATTERSON & THORPE,
Editors Concordia Intelligencer.

Mr Cade presented a petition signed by some of the inhabitants of the parish of Lafayette praying for the establishment of a Referee Court. Said petition was read, and

On motion of Mr Chinn, was laid on the table indefinitely.

On motion of Mr Roselius, it was ordered that the secretary spread on the journal merely the object of the petition.

Mr Ratliff presented the following resolution, which was read.

Resolved, That the Treasurer of the State of Louisiana be authorized to pay J. A. Kelly, the printer for the Convention, the sum of one thousand dollars upon his own draft; the same to be on account of the services to be rendered by said Kelly as such printer.

Mr Read moved to amend said resolution by adding at its end the words:

Provided, That he furnish security to the satisfaction of the president of the Convention, that he shall well and faithfully perform his duties.

Mr Ratliff accepted said amendment.

Mr Soulé move that the said resolution be rejected, and called for the yeas and nays on said motion.

Mr Lewis enquired of the president whether

if upon taking the vote on the rejection of said resolution it was not rejected, that decision was not equivalent to its adoption.

The president decided that its not being rejected was equivalent to its being adopted.

The vote being taken

Messrs Brazeale, Brent, Carriere, Couvillon, Culbertson, Downs, Garcia, Garrett, Humble, Prescott of Avoyelles, Preston, Soulé, Voorhies and Waddill voted in favor of its rejection—14 yeas.

Messrs Aubert, Beatty, Benjamin, Boudousquié, Briant, Bramfield, Burton, Cade, Cenas, Chambliss, Chinn, Claiborne, Conrad of Jefferson, Derbes, Dunn, Guion, Hudspeth, Hynson, King, Labauve, Ledoux, Leonard, Legendre, Lewis, McCalop, McRea, Marigny, Mazureau, Mayo, Peets, Penn, Porche, Porter, Prescott of St Landry, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St Amant, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stevens, Taylor of Assumption, Taylor of St Landry, Trist, Wadsworth, Wederstrandt, Winchester and Winder voted against its rejection—55 nays.

The said resolution was consequently adopted.

Mr Penn moved that the said resolution be reconsidered.

His motion prevailed; and

Mr Penn moved to amend the same by striking out the word "pay" and insert in its stead the word "advance," and by striking out the words "services to be rendered by said Kelly as such printer," and inserting in their lieu the words "the subscription to the Reporter, ordered by a resolution of this Convention adopted on the 10th instant."

Said amendments were adopted; and

On motion, the resolution was adopted as amended.

On motion, the Convention adjourned till tomorrow at 10 o'clock, A M.

TUESDAY, August 13, 1844.

The Convention met pursuant to adjournment.

Members present: Mr Joseph Walker, president; Messrs Aubert, Beatty, Benjamin, Boudousquié, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Cenas, Chambliss, Chinn Claiborne, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hynson, Hudspeth, Humble, King, Lebauve, Ledoux, Legendre, Leonard, Lewis, Marigny, McCalop, McRea, Mazureau, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St Amant, Sanders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers,

Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Winchester, Wederstrandt, Winder, and Waddill.

The Convention was opened with prayer by the Rev. Mr Haggerman.

Mr C. M. Conrad of Orleans, appeared and took his seat.

The President appointed Mr C. M. Conrad of Orleans, as a member of the committee appointed on the Bill of Rights.

Mr Benjamin moved to reconsider the proposition of Messrs Patterson & Thorpe of the Concordia Intelligencer, in relation to the publishing of the journal and debates of the Convention.

His motion was lost.

On motion of Mr Splane, the Convention took into consideration the reports of the majority and minority of the committee of elections on the returns made of Mr D. O'Bryan and L. Wilcoxon for the parish of Vermillion.

Mr O'Bryan enquired of the Convention whether he would be allowed to address the Convention.

Mr Chinn moved that both the contestants be allowed to appear before the Convention either in person or by counsel.

His motion prevailed, and Mr O'Bryan addressed the Convention.

The following which was the report of the majority of the committee of elections, was read :

REPORT OF THE MAJORITY.

Loyd Wilcoxon, Esq., claims a seat in the Convention, as duly elected to represent the people of the parish of Vermillion. In support of his election the committee are referred to the 7th article and to the 5th section of the second article of the Constitution, which prescribes the manner in which Representatives to the Legislature shall be elected, and that members of the Convention shall be elected in the same manner. The committee are of opinion that to support his claim an Act of the Legislature should have been passed prescribing that the parish of Vermillion should elect one Representative Delegate to the Convention, especially as a few days before its creation as a parish the General Assembly had prescribed that the parish of Lafayette, including the territory out of which Vermillion was formed, should choose two Representative Delegates to the Convention; moreover, that the Governor should have directed by proclamation an election to be held for a Delegate to the Convention from that parish; that the parish judge should have notified the voters of the election, and that the commissioners of election should have counted and returned only the votes given for a single Delegate, and not those given for two delegates.

But no law was passed, in pursuance of the Constitution, directing one delegate to be elect-

ed in the parish of Vermillion; no executive proclamation was issued ordering such an election. The parish Judge of Vermillion gave no notice that such an election would be held; votes were given for two delegates and for a single delegate—the votes for two delegates and for a single delegate were counted indiscriminately by the commissioner of election, and have been returned by the parish judge.

For these reasons the committee cannot decide that there has been a constitutional and legal election of a single and separate delegate for the parish of Vermillion, and are therefore of opinion that Mr Wilcoxon has not been duly elected a member of this Convention.

Daniel O'Bryan, Esq., claims a seat in the Convention, as having been duly elected to represent the citizens of that portion of this State which formerly constituted the parish of Lafayette, but now the parishes of Lafayette and Vermillion.

The Constitution of the State prescribes "that the General Assembly shall call a Convention to consist of as many members as there shall be in the General Assembly, and no more; to be chosen in the same manner and proportion, at the same place and at the same time that Representatives are, by citizens entitled to vote for Representatives." This provision of the Constitution expressly requires a legislative act to carry it into effect. Indeed, in general, the provisions of the Constitution requiring acts to be done, can only be carried into effect by laws passed for the purpose.

In pursuance of this principle, the General Assembly, by an act approved the 18th of March, 1844, directed "that at the time of choosing representatives to the State Legislature, at the next July election, there shall also be elected seventy-seven persons to serve in a State Convention, to-wit: [enumerating all the parishes, and, among others,] for the parish of Lafayette two members."

A few days afterwards, on the 28th of March, 1844, the General Assembly passed a law dividing the parish of Lafayette and creating out of a part of its territory a new parish, called Vermillion, and directed one of the two Representatives to the Legislature to which the parish of Lafayette was entitled, to be elected by the new parish; but did not direct a separate election in that parish for a delegate to the Convention—nor amend the act just passed calling a Convention.

The Governor ordered the execution of this law, calling the Convention by proclamation, dated the 17th May, 1844, directing two delegates to be elected from the parish of Lafayette, and by referring to the law itself evidently meant by the parish of Lafayette "the territory embraced in the parish at the time the law was passed—to-wit: that of which Lafayette and Vermillion are now composed.

The parish judge of Lafayette gave the legal and necessary notice for the election of two delegates to the Convention in his parish. The committee think the parish judge of Vermillion should have given a like notice in his parish. Mr O'Bryan and a sitting member of the Convention for the representative district canvassed in both parishes; Mr Wilcoxon, it appears, canvassed only in the parish of Vermillion, but was voted for in both parishes. Votes for two delegates were given in both parishes, though in the parish of Vermillion many citizens voted for but a single delegate. The votes given for two delegates were counted by the commissioners of election, and in the two parishes Mr O'Bryan obtained a majority of the votes.

From these facts the committee infer that the General Assembly considered that the act calling the Convention governed this case, because having just passed it, they did not, in dividing the parish of Lafayette, amend it, or make any provision for the separate election of a Delegate to the Convention from the parish of Vermillion. The executive was evidently of the same opinion, as proved by his proclamation ordering the act calling a Convention to be carried into effect, *as passed*. The judges of election concurred in the opinion, because they counted and returned the votes given for *two delegates*, as well as those given for a single delegate. The aggregate majority of citizens of the two parishes coincided in the opinion, because they gave votes for two delegates instead of one in both parishes.

The committee would be unwilling to adopt a contrary opinion, unless forced upon them by the constitution of the State. The constitution does not require it; on the contrary, the constitution required the act calling a Convention. The provisions of the act for the election of senatorial delegates, of representative delegates, and for the returns and certificates of election, were all not only constitutional but necessary and proper—provisions without which there would probably have been great irregularities and uncertainty in the election. The proportion of delegates fixed by the law necessarily referred to the number of the members of the General Assembly existing at the time the law was passed. The constitution was literally observed, by voting for the two delegates at the time and places of voting for a representative in each parish. The law calling the Convention was, as all will admit, a constitutional law; when passed, all its provisions were necessary and proper. The committee cannot conceive that the passage of a subsequent law could make its provisions unconstitutional, and if not Mr O'Bryan is constitutionally, legally and duly elected representative delegate from the portion of the State now constituting the parishes of Lafayette and Ver-

million, and your committee accordingly recommend that he be admitted to his seat in the Convention.

All which is respectfully submitted to the consideration of the Convention.

The following which is the report made by the minority of said committee was also read, as was also the following appendix.

REPORT OF THE MINORITY.

To the Hon. President of the Convention:

The standing committee on elections having differed in opinion, the undersigned members of that committee, beg leave to make this, their separate report, upon the contested seat between Mr Loyd Wilcoxon and Daniel O'Bryan.

The facts, as evidenced by the certificates of the parish judges of the parishes of Lafayette and Vermillion, respectively, are :

That each of said parishes voted separately for three delegates to this Convention.

Mr Robert Cade obtained, in the parish of Lafayette, 280 votes.
Vermillion, 60 “

Total, 340 votes.
Daniel O'Bryan received in the parish of Lafayette, 237 votes.
Vermillion, 94 “

Total, 331 votes.
Loyd Wilcoxon received in the parish of Lafayette, 43 votes.
Vermillion, 111 “

Total, 154 votes.

The law calling this Convention was approved March 18th, 1844, before the incorporation of the parish of Vermillion, formed out of the parish of Lafayette by an act passed March 25th, 1844. As the parish of Vermillion was not known on the 18th March, 1844, the law calling this Convention allowed two conventional delegates to the parish of Lafayette which was then represented in the Legislature by two representatives. The law subsequently passed forming the parish of Vermillion, provided for one representative in the Legislature, leaving the parish of Lafayette to be represented by one alone; under these laws the election took place in July last, 1844, and the parishes of Lafayette and Vermillion voted respectively for one representative each. The question to be decided by this convention in relation to the contested seat between Loyd Wilcoxon and D. O'Bryan is one of law, and involving a proper interpretation of our State Constitution. That is, could both parishes vote together under the constitution, for two delegates, when each one was entitled to one representative alone? We find the following clause in the constitution:

"The General Assembly shall, at their next session, call a Convention to consist of as many members as there shall be in the General Assembly, and no more, to be chosen in the same manner and proportion, at the same places, and at the same time, that representatives are, by citizens entitled to vote for representatives."

It is contended, and it will be contended, that under the law calling this convention, both parishes were to vote together for two delegates; would that be in compliance with the above clause of the constitution? We answer in the negative.

If the law calling a convention, instead of declaring that the parish of Lafayette should send two delegates, had followed and taken the clause in the constitution, there would have been no difficulty, and no one could have pretended that Lafayette and Vermillion should have voted together for two delegate. For instance, if the law had declared, that at the time of choosing representatives to the State legislature, at the next July election, there shall also be elected seventy-seven persons, to serve in the State convention, to be chosen in the same manner and proportion, at the same places, and at the same time that representatives are, by citizens entitled to vote for representatives, the words manner, proportion, places and time have respectively their proper meaning and sense. The expression "*by citizens entitled to vote for representatives*," has also a particular meaning. The same manner means that the votes should be by ballot; the same proportion, means that each parish in existence at the time of the election, should have the same number of delegates as representatives, and each senatorial district a delegate, same places and time, means that delegates must be voted for when and where representatives are. The expression "*by citizens entitled to vote for representatives*," means that one must be entitled to vote for representatives of the parish where he offers his vote, to vote for a delegate or delegates. In the case in question, the voters of Lafayette voted for one representative for that parish; how could they, under the above clause of the constitution, vote for two delegates? The electors of Vermillion voted for one representative; how could they vote for two delegates? Would that be considered as voting in the same proportion as contemplated by the constitution. The words in the constitution, to be chosen (meaning the delegates) in the same manner and proportion, at the same places, and at the same time, must all refer to the time when the election is held for representatives, and not to that of the passages of the law calling a convention.

We, therefore, consider that the law creating the parish of Vermillion, giving to it a representative, and leaving one alone for the

parish of Lafayette, necessarily and explicitly amended the clause in that law calling the convention, giving two delegates to the parish of Lafayette, and that all the votes given in the latter parish to the contestants are null and void, considering that they could vote for one delegate only, and Robert Cade having obtained in that parish two hundred and eighty votes.

We, therefore, conclude that Loyd Wilcox-on, having obtained a majority of votes in the parish of Vermillion, is entitled to a seat in this convention as the delegate of the said parish, under the constitution and the laws of the State.

Respectfully submitted,
(Signed) ZENON LABAUVE,
GEORGE S. GUION.

APPENDIX.

ELECTION.—*State of Louisiana—Parish of Lafayette.*—An election in the parish of Lafayette, of one representative to the twenty-ninth Congress of the United States, from the fourth congressional district of the State of Louisiana, of which the parish of Lafayette is a part.

Of one Representative to the Congress of the United States, from the fourth congressional district of the State of Louisiana, of which parish of Lafayette is a part, to serve until the third day of March, 1845, to fill the vacancy occasioned by the death of the Hon. P. E. Bossier;

Of one Representative from the parish of Lafayette to the General Assembly of the State;

Of two persons from the parish of Lafayette to the State Convention.

Of one person from the county of Attakapas, of which the parish of Lafayette is a part, to the State Convention.

By virtue of the proclamation of His Excellency Alexander Mouton, Governor of the State of Louisiana, dated the 17th May last, for the above mentioned election, the judge of the parish of Lafayette notifies the electors of said parish that the said election will take place at the court house of this parish, on the first Monday of July next and the two following days, between the hours of 10 o'clock, A. M. and 4 o'clock, P. M.;

And at the following precincts, on the first Monday of July next and the following day, between the hours of 10 o'clock, A. M. and 4 o'clock, P. M., to-wit :

At Caran Cro, at the residence of François Benoit.

At Côte Gelée, at the residence of Joseph Stainville Landry.

At Isle des Canes, at the residence of Antoine Guidry.

And as soon as the list of the voters and the boxes containing the tickets of the electors who shall have voted, shall have been received by the parish judge, he will proceed in presence of the commissioners of election, to the open-

ing of the boxes and the counting of the votes in the manner specified by law.

Given under my hand, at Vermillionville, this twenty-second day of June, in the year of our Lord one thousand eight hundred and forty-four, and of the Independence of the United States of America the sixty-eighth.

(Signed) CHAS. M. OLIVIER,
Parish Judge.

ELECTION.

State of Louisiana—Parish of Vermillion.

An election in the parish of Vermillion, for one Representative to the twenty-ninth Congress of the United States, from the fourth congressional district of the State of Louisiana, of which the parish of Vermillion is a part;

Of one Representative to the Congress of the United States from the Fourth Congressional District of the State of Louisiana, of which Vermillion is a part—to serve until the 3d day of March, 1845, to fill the vacancy occasioned by the death of the Hon. P. E. Bosnier;

Of one Representative from the parish of Vermillion, to the General Assembly of the State;

And of one person from the county of Attakapas, of which the parish of Vermillion is a part, to serve in the State Convention.

By virtue of a proclamation of His Excellency Alexander Mouton, Governor of the State of Louisiana, dated the 17th day of May last, or the election of the above mentioned, the judge of the parish of Vermillion notifies the electors of the said parish, that the said election will take place on the first of July and the two following days, between the hours of 10 o'clock A. M. and 4 o'clock, P. M., to-wit:

On the first and second day, at the house of A. A. Martin, under the superintendence of J. Porter, Esq., Alexis Blanchet and Benjamin Broussard;

On the first and second day, at the house of Joseph Zephyrin Fraham, under the superintendence of Edward T. Broussard, Euzebe Gendry and Joseph Hebert;

On the first and second day at the house of Edward Hoffpower, under the superintendence of Bosman Lyons, Esq., Joseph Spell and Nathan Hoffpower;

And on the first, second and third day, at the storehouse of Capt. R. Perry, under the superintendence of William Caldwell, Esq., Albert Stansberry and Thomas Caldwell.

And on the last day of the election, at Perry's Bridge, at 4 o'clock, P. M., the Parish Judge will proceed, in presence of the commissioners of election, to the opening of the boxes and the counting of the votes in the manner specified by law.

Given under my hand, at Perry's Bridge, this

the 20th day of June, in the year of our Lord one thousand eight hundred and forty-four, and of the Independence of the United States of America the sixty-eighth.

(Signed) WM. KIBBE,
Judge of the parish of Vermillion.

State of Louisiana—Parish of Lafayette.

Be it remembered that on this third day of July, in the year of our Lord one thousand eight hundred and forty-four,

I, Charles M. Oliver, Judge of the parish of Lafayette, do hereby certify, that at an election held in the said parish, conformably to law, and in virtue of a proclamation of his Excellency Alexander Mouton, Governor of the State, dated the 17th day of May last past, directing an election to take place in the said parish, on the first day of July inst., and the two following days, the result of the vote given at the said election, as to a delegate to the Convention for the parish of Lafayette, is as follows:

Robert Cade of the parish of Lafayette, received two hundred and eighty votes.

Daniel O'Bryan of the parish of Vermillion, received two hundred and thirty-seven votes.

Loyd Wilcoxon of the parish of Vermillion, received forty-three votes.

In witness whereof, I have hereunto set my hand, at the parish of Lafayette, on the day and year first above written.

CHAS. M. OLIVIER,
Parish Judge.

State of Louisiana—Parish of Vermillion.

Be it known, that an election was held in conformity to law and in virtue of a proclamation of His Excellency Alexander Mouton, Governor of the State, dated the 17th day of May last past, directing the election of a member to Congress, a delegate to represent the county of Attakapas in a State Convention, and a representative to serve in the State Legislature for the parish of Vermillion.

And be it further known, that on counting the votes, taken at said election, the following votes were given for a delegate to serve in the State Convention from the parish of Vermillion, to-wit:

Loyd Willcoxon received	111	votes.
Dan. O'Bryan	94	"
Robert Cade	60	"

Giving Mr Loyd Wilcoxon a majority of votes.

I, William Kibbe, Parish Judge, within and for the parish of Vermillion, do hereby certify the foregoing to be a correct statement of votes taken on the first, second and third days of July last past, for a delegate to serve in a State Convention from the parish of Vermillion.

Given under my hand and private seal (not

having an official seal) this the 23d day of July, Anno Domini 1844.

(Signed) WM. KIBBE,
Parish Judge of the parish of Vermillion.

State of Louisiana—Parish of Vermillion.

Be it remembered, that at the election held in accordance to law and in pursuance of a proclamation of His Excellency Alexander Mouton, Governor of the State of Louisiana, dated the 17th day of May lastpast, for the purpose of electing a member to the Congress of the United States, a person to serve in a State Convention, from the county of Attakapas, and for the purpose of electing a representative from the parish of Vermillion, to serve in the State Legislature, the following vote was also given for the election of a delegate to serve in the State Convention, to-wit :

Loyd Wilcoxon received	111 votes.
Daniel O'Bryan "	94 "
Robert Cade "	60 "

being a majority in favor of Loyd Wilcoxon of seventeen votes.

I, William Kibbe, Parish Judge, within and for the parish of Vermillion, hereby certify the foregoing to be a true and correct statement of the votes taken at the election aforesaid during the first day of July and two following days for a member to serve in the State Convention.

In testimony whereof, I have hereunto set my hand and affixed my private seal (not having a public seal) at my office this 27th day of July, Anno Domini one thousand eight hundred and forty-four.

(Signed) WM. KIBBE,
Parish Judge.

Mr Splane moved that the report of the majority be adopted, and called for the yeas and nays on said motion.

Messrs Beatty, Brazeale, Brent, Brumfield, Burton, Cade Carriere, Cenas, Chambliss, Cuvillon, Culbertson, Downs, Eustis, Garrett, Grymes, Humble, Hynson, Ledoux, Leonard, McCalop, McRea, Marigny, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stevens, Taylor of Assumption, Trist, Voorhies, Waddill. Wadsworth, Wederstrandt and Winder voted in favor of the motion—45 yeas.

Messrs Aubert, Benjamin, Boudousquié, Bourg, Briant, Chinn, Claiborne, Conrad of Orleans, Conrad of Jeffersan, Derbes, Dunn, Garcia, Guion, Hudspeth, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, St Amant, Saunders, Sellers, Taylor of St. Landry and Winchester voted against the motion—28 nays.

The report was consequently adopted.

On motion of Mr Brent, Mr O'Bryan's name was entered on the roll, and that gentleman authorized to take his seat.

Mr Ratliff presented the following resolution which was read and adopted :

Inasmuch as the first committee appointed by the Convention to report on the election of members of this Convention reported Mr Loyd Wilcoxon as entitled to his seat; and, inasmuch as Mr Wilcoxon withdrew from this Convention to facilitate its organization; and, inasmuch he has incurred expenses during the pendency of his contested seat,

Resolved, That Mr Wilcoxon be entitled to demand and receive the mileage and per diem of a member up to this date.

On motion, the Convention adjourned till tomorrow at 10 o'clock, A. M.

WEDNESDAY, August 14, 1844.

The Convention met pursuant to adjournment. The Convention was opened with prayer by the Rev. Mr. Mercer.

The President suggested to the Convention the propriety of omitting the names of the members present, and making merely a note of the members absent at the end of the journal of each day.

Mr. Downs moved that the President's suggestion be adopted, and that the Secretary be authorized to omit said names.

On motion of Mr. Beatty, Mr. Taylor of Assumption was excused from attending, on account of indisposition.

Mr. Grymes moved that the committee on the judiciary be permitted to sit pending the sittings of the Convention, and further, that said committee be authorized to appoint a clerk.

His motion was adopted.

Mr. Ratliff, of the committee on contingent expenses, made the following report, which was read :

The committee on contingent expenses, to whom has been referred the application of J. Bayon, for compensation for five hundred copies of the Journal of the Convention of Louisiana, of 1811-12, furnished to this Convention, report :

That Mr. J. Bayon has furnished to this Convention, five hundred copies, in pamphlet form, of the journal in question. That the English copies consist of twenty-four pages, and the French copies of nineteen pages. That the French copies are printed in smaller type than those in the English language, making the amount of printing in each about equal. After enquiry, the committee believe, that one hundred dollars would be a fair compensation for the pamphlets referred to, and recommend, that the treasurer be authorized to pay that sum to said Bayon, upon his own warrant.

Mr. Ratliff moved that the said report be adopted, and Mr. Sellers called for the yeas and nays on said motion.

Messrs Benjamin, Bourg, Brazeale, Brent, Boudouspuié, Briant, Cade, Cenas, Chinn, Claiborne, Conrad of Jefferson, Conrad of Orleans, Couvillon, Culbertson, Debes, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Lewis, McCalop, McRea, Marigny, Mayo, Mazurean, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Winchester and Winder voted in favor of its adoption—66 yeas ; and

Messrs Aubert, Beatty, Brumfield, Burten, Carriere, Chamblis, Sellers and Stevens voted against its adoption—8 nays.

The said report was consequently adopted.

On motion, the Convention adjourned till tomorrow, at twelve o'clock A. M.

Messrs Taylor of Assumption and Wikoff absent on leave, on account of indisposition.

THURSDAY, August 15, 1844.

The Convention met pursuant to adjournment.

The Convention was opened with prayer by the Rev. Mr. Lacey.

On motion of Mr Garcia, Mr St Amant was excused from attendance on account of ill health.

Mr Voorhies made the following report :

The committee to whom was referred the preamble of the constitution, beg leave to submit the following :

In order that the limits of the State of Louisiana may more clearly be known and established, it is hereby declared, that the following shall be and forever remain the boundaries, in accordance with a treaty made at Paris, on the 30th day of April, 1803, between the United States and France, and of an act of Congress, approved April 12, 1812, entitled an Act to enlarge the limits of the State of Louisiana, to wit : Beginning at the mouth of the river Sabine, thence by a line to be drawn along the middle of said river, including all its islands, to the thirty-second degree of latitude; thence, due north to the northernmost part of the thirty-third degree of north latitude ; thence, along the said parallel of latitude, to the river Mississippi ; thence, down the said river to the thirty-third degree of north latitude ; thence, along the said degree of latitude to the eastern branch of Pearl river ; thence, down the eastern branch of Pearl river, to the eastern mouth

of said Pearl river ; thence, to a point on the Gulf of Mexico, where the line formerly separating Louisiana proper and the Florida section of the State, drawn from the river Hississippi, along the middle of the river Iberville and lakes Maurepas and Pontchartrain, would strike ; thence, bounded by the said gulf to the place of beginning, including all the islands within three leagues of the coast ; and for the government of the people of Louisiana, we, the delegates and representatives by them elected, and in Convention assembled, in pursuance of an act approved March 18, 1844, entitled, an act to provide for the calling of a Convention, for the purpose of re-adopting, amending, or changing the constitution of the State, do ordain and establish the following constitution or form of government.

Mr Chinn moved that the reading of the foregoing report be dispensed with, and that the same be ordered to be printed.

His motion was lost.

The said report was read, and Mr Lewis moved to re-commit the same back to the committee, with instructions to enquire into the fact whether the western bank of the Sabine river should not be included within the limits of the State.

His motion was adopted.

Mr Brent made the following report, which was read :

A majority of the committee on elections, to whom was referred the application of Emile LaSere, claiming a seat in this Convention, in lieu and place of C M Conrad, and also the application of J B Planche, claiming a seat in lieu and place of P Benjamin, beg leave to submit the following report, embracing the proceedings of the committee and the facts which have come to their knowledge during the progress of the investigation.

The first question submitted to the committee arose from an exception filed by Messrs Conrad and Benjamin, in the words following, to wit : " That we, the undersigned, do deny that this honorable committee can take cognizance of the pretended contestation, set up by the said LaSere and the said Plauché, because said contestation has not been made in the manner and form, nor within the time, nor by the proper number of persons required by law and the constitution."

This exception was overruled by a majority of the committee ; they being of the opinion that the laws in relation to contested elections did not apply to cases like the present, where all the parties claim to have been elected by a majority of the legal votes polled, according to the face of the returns. A majority of the committee were however, of the opinion that the laws of the State, regulating contested elections before the legislature, were applicable

to the case of elections to this Convention, and that if these were to be considered as cases of regular contestation, that the committee would be precluded from entering generally into an examination of their merits, inasmuch as no notice of contestation had been given, in pursuance to the requisitions of law.

The parties then proceed to submit their evidence to the committee, and on the part of Messrs Lasere and Planché, the documents hereto appended, marked B and C, were offered, which were objected to by Messrs Conrad and Benjamin, but received by the committee, subject to legal exceptions; also the marginal notes of the document A, hereto annexed, were objected to, but received likewise by the committee.

The document marked A is a condensed statement, signed by Charles Maurian, parish judge of New Orleans, of the returns of election, held in the thirteen wards of the city of New Orleans, on the first of July, 1844, for members of the Convention, with seven references to the body of the statement, marked, A, B, C, D, E, F and G, referring to a corresponding number of marginal notes attached to the said statement.

From this document it appears that no votes were taken in the Second Ward of the First Municipality, and that in the remaining twelve wards of the city Charles M Conrad received 1143 votes as a delegate to the Convention, J P Benjamin received 1121 votes, Emile Lasere 1062 votes, and J B Planché 1057 votes. By the marginal notes of the Judge it seems that great irregularity prevailed, and numerous interruptions to the voting took place at several of the election precincts in the city. In the First Ward of the First Municipality, and in the Third Ward of the Second Municipality, both of the commissioners appointed by law presided at the election, but the returns to the parish judge are signed by but one of the inspectors from each of said wards. In the Second Ward of the Second Municipality, both the inspectors presided for a portion of the day, but one of them left them left the polls at about half past twelve o'clock, P. M., and did not return to assist in counting the votes or to attest the certificate and proces verbal of his co-inspectors. If the votes in the three wards in which one inspector alone has signed the proces verbal be rejected, then the votes of the contestants in the remaining wards are as follows: for C M Conrad, 793 votes; for J P Benjamin, 769 votes; for E LaSere, 889 votes; for J B Planché, 877 votes. If the poll in the Second Ward of the Second Municipality be alone rejected, then the vote for the contestants will stand as follows: for C M Conrad, 898 votes; for J P Benjamin, 846 votes; for E LaSere, 925 votes; and for J B Planché, 915 votes.

The document hereto annexed, marked B, is the separate return made to the parish judge by N A Vienne, one of the inspectors of the Second Ward, of the Second Municipality, and the document marked C, is the separate return or counter statement made to the parish judge by S W Waters, the other inspector of said ward, who left the polls and did not assist in counting the votes at that precinct.

The committee having proceeded thus far in their examination, and having received in evidence, subject to legal exception, the documents marked A, B and C, an application was made by Messrs Conrad and Benjamin for process to be directed to the city of New Orleans, to take testimony to sustain the allegations contained in the answers filed by them, and to rebut the testimony offered by contestants in the documents marked A, B and C. The answer filed by them will be found appended to this report, and is marked D.

A majority of the committee then determined that the facts of this case should be reported to the Convention, and that it should be left to your honorable body to decide whether the application for process to obtain evidence in New Orleans should be granted or not. They abstain from expressing any opinion whatever upon the facts which have transpired during the progress of this investigation, but it would relieve them from much embarrassment if the Convention should decide whether it is their duty or within their province to examine into any facts at the present stage, not apparent upon the face of the returns which have been submitted to their consideration.

Should it be the opinion of the Convention that it is their duty to decide at this time which of the contestants are entitled to their seats upon the face of the returns, then a majority of this committee will have no hesitation in reporting the conclusions at which they have arrived.

(Signed) { C VOORHIES,
J F FENWICK BRENT,
CYRUS RATLIFF.

On motion of Mr Ratliff, the said report and accompanying documents were laid on the table, subject to call.

Mr Ratliff then made the following report, which was read, and on motion of Mr Penn, was ordered to be printed:

The committee to whom was referred the seventh article of the constitution of Louisiana, which provides for revising that instrument, with instructions to recommend such changes, alterations or amendments, if any they may deem expedient and proper; having had the same under consideration, and after giving the subject an attentive consideration, beg leave to submit the following report:

Mode of revising the constitution.

Any amendment or amendments to this con-

stitution may be proposed in the Senate of House of Representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of state shall cause the same to be published three months before the next general election, in at least one newspaper in every parish of the state in which newspapers shall be published, and if in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of state shall cause the same to be published in manner aforesaid, at least three months prior to the next general election for representatives to the State Legislature, and such proposed amendment or amendments shall be submitted to the people at said election; and if the people shall approve and ratify such amendment or amendments by a majority of all the qualified voters of this state, voting thereon, such amendment or amendments shall become a part of the constitution.

Provided, that if more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly.

Mr Wadsworth made the following report, which was read, and on his motion, was ordered to be printed:

The committee appointed to take into consideration the provisions of the first article of the constitution of the State, relative to the distribution of the powers of government, report:

First—That the powers of the Government of the State of Louisiana shall be divided into three distinct departments, and each of them to be confined to a separate body of magistracy, to wit: those which are legislative, to one—those which are executive, to another—and those which are judiciary, to another.

Second—No person or collection of persons holding office under one of these departments, shall exercise any power properly belonging to either of the others, except in instances hereinafter expressly directed or permitted.

(Signed) J. M. WADSWORTH, Chairman
M. B. SELLERS,
GEO. W. PEETS,

On motion of Mr Guion, the Convention took into consideration the report made by Mr Brent, and he also presented the following resolutions:

Resolved, That Messrs C. M. Conrad and J. P. Benjamin have been recognized by this Convention as members *prima facie*, elected from the parish of Orleans, and as *prima facie* enti-

tled to their seats therein, leaving to any person the right to contest their seats according to law.

Resolved, that the laws of this State relating to contested elections, apply to elections of delegates to this Convention.

And on motion, the Convention adjourned till to-morrow at nine o'clock. A. M.

NOTE.—Messrs. Taylor of Assumption and Wikoff, absent on account of indisposition.

FRIDAY, August 16, 1844.

The Convention met agreeably to adjournment. The Convention was opened with prayer by the Rev. Mr. Hagerman.

Mr Downs presented the following resolution as a substitute to the resolution presented yesterday by Mr Guion, recognizing Messrs C. M. Conrad and J. P. Benjamin as members *prima facie*, elected from the parish of Orleans, and as *prima facie* entitled to their seats therein, leaving to any person the right to contest their seats according to law, viz:

Resolved, That the contested election from the parish of Orleans be recommitted to the committee on elections, with instructions to report as early as possible on the evidence before them, which of the four contestants are entitled *prima facie* to their seats, until the final decision of the Convention.

Mr Benjamin moved to amend the foregoing resolution by striking out the words "report as early as possible on the evidence before them, which of the four candidates are entitled *prima facie* to their seats until the final decision of the Convention," and insert the words "receive all legal evidence offered by the parties, and to report as early as possible."

Mr Downs moved to amend Mr Benjamin's amendment by inserting at its end the words "but shall first, and without delay, report on the evidence before them, which of the four contestants are entitled *prima facie* to their seats until the final decision of the Convention."

Mr Claiborne appealed to the president to decide whether Mr Down's amendment was in order.

The president decided that said amendment was out of order.

Mr Downs enquired of the president whether, if Mr Benjamin's amendment was adopted, the said substitute would still be before the Convention, and subject to amendment.

The president decided that it would be before the Convention, and be subject to amendment.

Mr Claiborne then called for the yeas and nays on Mr Benjamin's amendment.

Mr Benjamin moved to be excused from voting on said amendment as he was interested.

His motion prevailed.

Mr Conrad of Orleans, was also excused.

Messrs Aubert, Beatty, Boudousquie, Bourg, Brent, Briant, Brumfield, Burton, Carriere, Cenas, Chambliss, Claiborne, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Garcia, Garrett, Guion, Hudspeth, Humble, Hynson, King, Labauve, Ledoux, Legendre, Leonard, Lewis, McRea, McCalop, Marigny, Mazureau, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Feliciana, Scott of Baton Rouge, Scott of Madison, Sellers, Soulé, Splane, Stevens, Taylor of Assumption, Voorhies, Waddill, Wederstrandt, Wadsworth, Wikoff, Winchester, and Winder voted in favor of the amendment—64 yeas.

Messrs Brazeale, Cade, Couvillon and Porche voted against its adoption—4 nays.

It was consequently adopted.

Mr Downs moved to further amend said substitute by adopting the following resolution :

Resolved, That the committee on elections be further instructed to report which of the

contestants, on the face of the papers, are entitled to their seats in the Convention until the final decision by the Convention.

Mr Wadsworth moved to amend the foregoing resolution by inserting after the words "on the face of the papers," the words "transmitted by the parish judge of the parish of the parish of New Orleans."

Pending the discussion of the above,

Mr Lewis moved that the Convention adjourn till to-morrow at 9 o'clock, A. M., and suspended said motion to allow Mr Soulé to introduce the following resolution, which was read and adopted.

Resolved, That the committee on contingent expenses be instructed to enquire into and report upon the expediency of appointing two additional clerks to assist those already appointed, in the performance of their duties.

On motion, the Convention adjourned, till to-morrow, at 9 o'clock.

Messrs Chinn, Kenner, Trist and Taylor of Assumption absent on account of indisposition.

SATURDAY, August 17, 1844.

The Convention met agreeably to adjournment. The Convention was opened with prayer by the Rev. Mr. Mercer.

Mr Downs, chairman of the Committee on the Legislative Departments, presented the following as the report of the majority of the committee. The amendments are incorporated with the sections of the old constitution, and the old provision is placed in the opposite column to present the amendment more distinctly to view:

ARTICLE II.—Concerning the Legislative Department.

REPORT OF THE MAJORITY.

SECTION 1. The legislative power of this State shall be vested in two distinct branches, the one to be styled the House of Representatives, the other the Senate, and both together the General Assembly of the State of Louisiana.

SEC. 2. The members of the House of Representatives shall continue on service for the term of two years, from the day of the closing the general elections.

SEC. 3. The Representatives shall be chosen on the first Monday, one day only, in September every two years, and the General Assembly shall convene on the third Monday in January in every second year, unless a different day be appointed by law, and their different sessions shall be held at the seat of government.

The first election under this Constitution shall take place in the year ———.

SEC. 4. No person shall be a representative who, at the time of his election, is not a free white male citizen of the United States, and hath not attained the age of twenty-one years, and resided in the State two years next preceding his election, and the last year thereof in the parish for which he may be chosen.

OLD CONSTITUTION.

SECTION 1. The legislative power of this State shall be vested in two distinct branches, the one to be styled the House of Representatives, the other the Senate, and both together the General Assembly of the State of Louisiana.

SEC. 2. The members of the House of Representatives shall continue in service for the term of two years from the day of the commencement of the general election.

SEC. 3. Representatives shall be chosen on the first Monday in July every two years, and the General Assembly shall convene on the first Monday in January in every year, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

SEC. 4. No person shall be a representative who, at the time of his election, is not a free white male citizen of the United States, and hath not attained to the age of twenty-one years, and resided in the State two years next preceding the election, and the last year thereof in the county for which he may be chosen

SEC. 5. Election for Representatives for the several parishes or representative districts entitled to representation, shall be held at the several election precincts established by law and which the Legislature, having in view the convenience of the voters, may from time to time establish; *Provided*, that the Legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

SEC. 6. Representation shall be equal and uniform in this State; each parish shall have at least one representative, and beyond that, if entitled to any more, in proportion to the population of each, ascertained and calculated according to the principle of representation adopted in the Constitution of the United States. The first representation under this constitution shall continue until after the next United States census in 1850, and shall be as follows:

The parish of Plaquemines shall have	
one member,	1
The parish of St. Bernard,	1
“ Orleans—	
1st Municipality,	5
2d “	4
3d “	3
	12
That part of the parish of Orleans on the east bank of the river Mississippi,	1
The parish of Jefferson,	2
“ St. Charles,	1
“ St. John Baptist,	1
“ St. James,	2
“ Ascension,	1
“ Assumption,	2
“ Lafourche Interior,	3
“ Terrebonne,	1
“ Iberville,	1
“ West Baton Rouge,	1
“ East “ “	2
“ West Feliciana,	2
“ East “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Pointe Coupée,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	1
“ St. Martin,	2

or in the district for which he is elected, in case the said counties may be divided into separate districts of election, and has not held for one year in the said county or district landed property to the value of five hundred dollars agreeably to the tax list.

SEC. 5. Elections for Representatives for the several counties entitled to representation, shall be held at the places of holding their respective courts, or in the several election precincts, into which the Legislature may think proper, from time to time, to divide any or all of those counties.

SEC. 6. Representation shall be equal and uniform in this State, and shall be forever regulated and ascertained by the number of qualified electors therein. In the year one thousand eight hundred and thirteen, and every fourth year thereafter, an enumeration of all the electors shall be made in such a manner as shall be directed by law. The number of representatives shall, in the several years of making those enumerations, be so fixed as not to be less than twenty-five nor more than fifty.

The parish of Lafayette,	1
“ Vermillion,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	2
“ Natchitoches,	2
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1
Total,	72

As soon as may be after the United States census of 1850 shall have been taken and promulgated, and every ten years thereafter, the number of representatives shall be fixed and apportioned according to the principles of this section, so as not to be less than *seventy* nor more than one hundred, and whenever a new parish shall be created, a separate representation shall, at the same time be provided for it, which shall continue until the next decimal apportionment.

SEC. 7. The House of Representatives shall choose its Speaker and other officers.

SEC. 8. In all elections for representatives, every free white male citizen of the United States, who, at the time being, hath attained the age of twenty-one years, and resided in the State two years next preceding the election and the last year thereof in the parish in which he offers to vote, shall have the right of voting; electors shall in all cases, except treason, felony, breach or surety of peace, be privileged from arrest during their attendance at, or going to, or returning from elections.

SEC. 9. The members of the Senate shall be chosen for the term of four years, and when assembled shall have the power to choose its officers every two years.

SEC. 10. The State shall be divided into eight senatorial districts, each of which shall elect four Senators, to be voted for by persons entitled to vote for representatives, as follows:

All that portion of the parish of Orleans lying on the east side of the Mississippi river shall comprise one district.

The parishes of Plaquemines, St. Bernard

SEC. 7. The House of Representatives shall choose its speaker and other officers.

SEC. 8. In all elections for Representatives, every free white male citizen of the United States who, at the time being, hath attained to the age of twenty-one years, and resided in the county in which he offers to vote one year next preceding the election, and who in the last six months prior to the said election shall have paid a State tax, shall enjoy the right of an elector; *Provided, however,* that every free white male citizen of the United States who shall have purchased land from the United States, shall have the right of voting whenever he shall have the other qualifications of age and residence above prescribed. Electors shall in all cases, except treason, felony, breach or surety of peace, be privileged from arrest during their attendance at, going to, or returning from elections.

SEC. 9. The members of the Senate shall be chosen for the term of four years, and when assembled shall have the power to choose its officers annually.

SEC. 10. The State shall be divided in fourteen senatorial districts, which shall forever remain indivisible, as follows: the parish of St. Bernard and Plaquemines, including the country above as far as the canal (Des Pêcheurs) on the east of the Mississippi, and on the west as far as Bernoudy's canal, shall form one district. The city of New Orleans beginning at the

and the remainder of the parish of Orleans, parish of Jefferson, St. Charles and St. John the Baptist shall compose the second district.

The parishes of St. James, Ascension, Assumption, Lafourche Interior and Terrebonne shall compose the third district.

The parishes of Iberville, West Baton Rouge, East Baton Rouge, Pointe Coupée and Avoyelles shall compose the fourth district.

The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena and Livingston shall compose the fifth district.

The parishes of Concordia, Carroll, Madison, Ouachita, Union, Tensas, Franklin, Morehouse, Catahoula and Caldwell shall compose the sixth district.

The parishes of Rapides, Natchitoches, Caddo, Calcasieu, Claiborne, Sabine, Bossier and DeSoto shall compose the seventh district.

The parishes of St. Mary, St. Landry, St. Martin, Lafayette and Vermillion shall compose the eighth district.

Provided, that the Legislature shall have the power in any year in which they shall apportion representation in the House of Representatives to divide any or one of said senatorial districts, each to be entitled to elect two Senators.

SEC. 11. At the session of the General Assembly after this Constitution takes effect, the Senators shall be divided by lot, as equally as may be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year; so that one half shall be chosen every two years, and a rotation thereby kept up perpetually.

SEC. 12. No person shall be a Senator who at the time of his election has not been a citizen of the United States ten years, and who hath not attained the age of twenty-seven years, and resided in the State four years next preceding his election and one year in the district in which he may be chosen.

SEC. 13. The first election for Senators shall be general throughout the State, and at the same time that the general election for representatives is held; and thereafter there shall be a biennial election of Senators to fill the places of those whose time of services may have expired.

SEC. 14. Not less than a majority of the members of each house of the General Assembly shall form a quorum to do business: but a smaller number may adjourn from day to day and shall be authorized by law to compel the attendance of absent members, in such manner and under such penalties as may be prescribed thereby.

SEC. 15. Each House of the General As-

Nun's Plantation above, and extending below as far as the above-mentioned canal (Des Pêcheurs,) including the inhabitants of Bayou St. John, shall form the second districts; the remainder of the county of Orleans shall form the third district. The counties of German Coast, Acadia, Lafourche, Iberville, Pointe Coupée, Concordia, Attakapas, Oupelousas, Rapides, Natchitoches and Ouachita, shall each form one district, and each district shall elect a Senator.

SEC. 11. At the session of the General Assembly after this Constitution takes effect, the Senators shall be divided by lot, as equally as may be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; so that one half shall be chosen every two years, and a rotation thereby kept up perpetually.

SEC. 12. No person shall be a Senator who, at the time of his election, is not a citizen of the United States, and who has not attained the age of twenty-seven years, resided in this State four years next preceding his election, and one year in the district in which he may be chosen; and unless he holds within the same a landed property to the value of one thousand dollars, agreeably to the tax list.

SEC. 13. The first election for Senators shall be general throughout the State, and at the same time that the general election for Representatives is held; and thereafter there shall be a biennial election of Senators to fill the places of those whose time of services may have expired.

SEC. 14. Not less than a majority of the members of each House of the General Assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members, in such manner and under such penalties as may be prescribed thereby.

SEC. 15. Each House of the General As-

sembly shall judge of the qualifications, elections and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

SEC. 16. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but not a second time for the same offence.

SEC. 17. Each House of the General Assembly shall keep and publish weekly a journal of its proceedings, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

SEC. 18. Each House may punish by imprisonment, during the session, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings; *provided* such imprisonment shall not at any one time exceed ten days.

SEC. 19. Neither House during the session of the General Assembly shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 20. The members of the General Assembly shall severally receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance on, going to, and returning from the session of their respective houses; *Provided*, that the same may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the House of Representatives, by whom such an alteration shall have been made; *Provided, also*, that this compensation shall exist for the period of sixty days only, but if the General Assembly shall at any time extend the session beyond sixty days, they shall not receive any compensation for any period beyond the said sixty days.

SEC. 21. The members of the General Assembly shall, in all cases except treason, felony, breach or surity of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and going to or returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 22. No Senator or Representative shall during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during the time such Senator or Representative was in office, except to such offices or appointments as may be filled by the elections of the people.

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SEC. 20. The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 21. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit or trust under this State, which shall have been created, or the emoluments of which shall have been increased during the time such Senator or Representative was in office, except to such offices or appointments as may be filled by the elections of the people.

SEC. 23. No person, while he continues to exercise the functions of a clergyman, priest or teacher of any religious persuasion, society or sect, shall be eligible to the General Assembly, or to any office of profit or trust, under this State.

SEC. 24. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money shall be eligible to the General Assembly or to any other office of profit or trust under the State government, until he shall have obtained a *quitus* for the amount of such collection and for all public monies with which he may have been entrusted.

SEC. 25. No bill shall have the force of a law until, on three several days, it be read over in each House of the General Assembly, and free discussion allowed thereon, unless in case of urgency, four-fifths of the House where the bill shall be depending may deem it expedient to dispense with this rule.

SEC. 26. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills; *Provided*, that they shall not introduce any new matter under the color of an amendment which does not relate to raising a revenue.

SEC. 27. The General Assembly shall regulate by law, by whom and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

Mr Downs, on behalf of the minority of the report:

Report of the Minority of the Committee consisting of S. W. DOWNS, R. J. CHAMBLISS, B. B. BRAZEALE, G. LEONARD, P. PORCHE, G. MAYO, T. W. SCOTT and A. M. McREA, to be offered as a substitute to the 10th section.

The Senate shall consist of thirty-two members, to be elected for four years, by the voters qualified to vote for Representatives, and at the same time, one-half every two years, and the appointment of Senators shall be as follows:

The parishes of Plaquemines and St Bernard and that portion of the parish of Orleans on the right bank of the river, shall have one Senator.

Parish of Orleans shall have—

1st Municipality,	2	} 4
2d "	1	
3d "	1	
" Jefferson,	1	
" St John Baptist and St Charles,	1	
" St James,	1	
" Ascension and Assumption,	1	
" Lafourche and Terrebonne,	2	
" Iberville and West Baton Rouge,	1	
" East Baton Rouge,	1	

SEC. 22. No person, while he continues to exercise the functions of a clergyman, priest or teacher of any religious persuasion, society or sect, shall be eligible to the General Assembly, or to any office of profit or trust under this State.

SEC. 23. No person who at any time may have been a collector of taxes for the State, or the assistant or deputy of such collector, shall be eligible to the General Assembly, until he shall have obtained a *quitus* for the amount of such collection, and for the public moneys for which he may be responsible.

SEC. 24. No bill shall have the force of a law until on three several days, it be read over in each House of the General Assembly, and free discussion allowed thereon; unless in case of urgency, four-fifths of the House where the bill shall be pending may deem it expedient to dispense with this rule.

SEC. 25. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills; *Provided*, that they shall not introduce any new matter, under the color of an amendment, which does not relate to raising a revenue.

SEC. 26. The General Assembly shall regulate by law, by whom and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

the aforementioned committee, made the following

Parish of East Feliciana,	1
" West Feliciana,	1
" St Helena and Livingston,	1
" Washington and St Tammany,	1
" Pointe Coupée,	1
" Concordia and Tensas,	1
" Carroll and Madison,	1
" Catahoula and Franklin,	1
" St Mary and St Martin,	1
" Lafayette and Vermillion,	1
" St Landry,	1
" Sabine and Calcasieu,	1
" Avoyelles,	1
" Rapides,	1
" Natchitoches,	1
" Caddo and De Soto,	1
" Blainborne and Bossier,	1
" Ouachita and Caldwell,	1
" Union and Morehouse,	1
Total,	32

And whenever a new parish shall be created, it shall be attached to that Senatorial district from which most of it was taken, or to another contiguous district, at the discretion of

the Legislature, but shall not be attached to more than one district.

Mr Mayo, of the minority committee appointed on the said legislative department, made the following report, which was read :

The undersigned members of the committee on the 2d article of the constitution, beg leave to report the following as a substitute for the eighth section of the said article, as reported by a majority of the said committee :

SEC. 8.—Every free white male citizen of the United States, of the age of twenty-one years or upwards, who shall have resided in this State one year next preceding an election, and the last six months thereof in the parish or district in which he offers to vote, shall be deemed a qualified elector, and be entitled to vote in the parish or district where he actually resides, for each and every officer made elective by the people, under this State or the United States : Provided, no soldier, seaman or marine in the army or navy of the United States, nor persons under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in this State. Electors shall in all cases, except treason, felony, breach or surety of the the peace, be privileged from arrest during their attendance at, and returning from the polls.

(Signed)

G. MAYO,
R. J. CHAMBLISS,
S. W. DOWNS,
B. B. BRAZEALE,
PIERRE PORCHE,
G. LEONARD,
A. H. McRAE,

Mr Winchester informed the Convention that on Monday next, he would make, on behalf of the minority of the aforementioned committee, a counter report to that offered by the majority of said committee.

Mr Winchester offered the following resolution, which was read and adopted :

Resolved, That the secretary of the Convention direct the printer to print all reports and counter reports on the same subject together.

Mr Downs submitted the record of the minutes of the committee on the legislative department, which was ordered to be filed.

Mr Roman, of the committee appointed on the third article of the constitution, concerning the executive department, made the following report, which was read :

The committee appointed on the third article of the constitution, concerning the executive department, have had under consideration the subject referred to them, and agreed to the following report :

SEC. 1.—The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during

the term of four years, and together with the Lieutenant Governor, chosen for the same term, be elected as follows :

SEC. 2.—The citizens entitled to vote for representatives shall vote for a governor and lieutenant governor, at the time and place of voting for representatives. Their votes shall be returned by the officers presiding over the elections, to the seat of government, addressed to the Speaker of the House of Representatives ; and on the second day of the session of the General Assembly, then next to be holden, the members of the General Assembly shall meet in the House of Representatives, to examine and count the votes. The person having the greatest number of votes for governor shall be declared duly elected, if such number be a majority of all the votes given ; but if no person have such a majority, then from the two persons having the highest numbers in the list of those voted for as governor, the General Assembly shall choose immediately by ballot the governor. The person having a majority of the votes given for lieutenant governor, shall be the lieutenant governor ; and if no person have a majority, then from the two persons having the highest numbers on the list, the General Assembly shall in the same manner choose the lieutenant governor.

SEC. 3.—No person shall be eligible to the office of governor or lieutenant governor, except a native citizen of the United States, or an inhabitant at the time of the cession thereof to the United States, of that portion of the territory included in the present limits of Louisiana. Nor shall any person be eligible to either of the said offices, who shall not hold in his own right landed property situated in said State, of the value of five thousand dollars, agreeably to the tax list ; and who shall not have attained the age of thirty-five years, and have been ten years next preceding his election a resident within the State.

SEC. 4.—The governor shall enter on the discharge of his duties on the second Monday of January, in the year , and continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected, or until his successor shall have taken the oath or affirmation prescribed by this constitution.

SEC. 5.—No member of Congress or person holding any office under the United States or minister of any religious society, shall be eligible to the office of governor or lieutenant governor.

SEC. 6.—The governor shall have power to grant reprieves for all offences against the State, and except in cases of impeachment, shall, with the consent of the Senate, have power to grant pardons and to remit fines and forfeitures, after conviction. In cases of trea-

son, he may grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

SEC. 0.—All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal, and signed by the governor.

SEC. 0.—In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the governor absent or impeached shall return or be acquitted. The legislature may provide by law for the case of removal, death, resignation, or inability—both of the governor and lieutenant governor; declaring what officer shall act as governor; and such officer shall act accordingly until the disability be removed, or a governor shall be elected.

SEC. 0.—The lieutenant governor or other officer discharging the duties of governor, shall, during his administration, receive the same compensation to which the governor would have been entitled, had he continued in office.

SEC. 0.—The lieutenant governor shall, by virtue of his office, be president of the Senate, but shall have only a casting vote therein. Whenever he shall administer the government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as president of the Senate, for that occasion.

SEC. 0.—While he acts as president of the Senate, the lieutenant governor shall receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the House of Representatives, and no more.

SEC. 0.—A secretary of state shall be appointed, and commissioned to hold his office during the pleasure of the governor. The records of the State shall be kept and preserved in the office of the secretary. He shall keep a fair register of the official acts and proceedings of the governor, and when necessary shall attest them. He shall, when required, lay the said register and all papers, minutes and vouchers relative to his office, before either House of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

A majority of the committee are of opinion that in the article referred to them, the sections 3d, 7th, 8th, 9th, 10th, 12th, 13th, 14th, 15th, 20th, 21st, 22d and 23d, require no amendment, and that the 16th section ought to be stricken out.

Mr Scott of Madison, of the said committee on the executive department, made the following counter report, which was also read:

That the second section of the constitution of

this State be so amended as to read as follows

The governor shall be elected for the term of four years, in the following manner: The citizens entitled to vote for representatives shall vote for governor at the time and place of voting for representatives and senators.

Their votes shall be returned by the persons presiding over the elections, to the seat of government, addressed to the secretary of state; who shall deliver them to the Speaker of the House of Representatives, at the next ensuing session of the legislature, during the first week of such session; the speaker shall open and publish them in the presence of both houses of the legislature.

The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, then one of them shall be chosen governor by the joint ballot of both houses of the legislature.

That the lieutenant governor be elected in the same manner and at the same time with the governor.

That the ninth section of said constitution be so amended as to read as follows: He shall nominate and appoint, with the advice and consent of the Senate, all officers whose offices are established by this constitution, and whose appointments are not otherwise provided for therein.

(Signed) THOS. B. SCOTT.

Mr Garcia, of the committee on the fifth article, concerning impeachment, made the following report, which was read:

The committee appointed to consider and report to this convention upon the fifth article of the constitution of this State, concerning impeachment, respectfully report:

That they have had the same under consideration, and recommend that the following provisions be incorporated in the constitution:

SEC. 1.—The power of impeachment shall be vested in the House of Representatives alone.

SEC. 2.—All impeachments shall be tried by the Senate and the chief justice of the Supreme Court, unless he is interested, in which case, the senior associate justice of said court shall preside.

When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the Senators present.

SEC. 3.—The governor and all the civil officers shall be liable to impeachment, for any misdemeanors in office, but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under this State: but the parties convicted shall nevertheless

less be liable and subject to indictment, trial and punishment, according to law.

(Signed) FELIX GARCIA, Chairman.
Jackson, Aug. 16, 1844.

Mr Voorhies, of the committee appointed on the preamble of the constitution, made the following report, which was read :

The committee to whom was referred the preamble of the constitution of the State of Louisiana, have instructed me to report the following as a suitable preamble to said constitution, to wit :

We, the people of the State of Louisiana, by our representatives in Convention assembled, in order to secure to all the citizens thereof the enjoyment of the right of life, liberty and property, and of pursuing happiness, do ordain and establish the following constitution and civil form of government.

(Signed) C. VOORHIES, Chairman.

Mr. Ratliff, of the committee on contingent expenses, made the following report, viz :

The committee to whom was referred the resolution of the House, directing them to enquire into and report the necessity, if any, for the appointment of two additional clerks for the Convention, have the honor to report, that they have had the same under consideration, and beg leave to submit the following report :

The committee cannot doubt for a moment but the committee formerly created by a resolution of this House, to enquire into the number of clerks necessary for the Convention and their salaries, etc. discharged their duty faithfully, and made themselves fully acquainted with the subject before they recommended the present number. The labors of this Convention have not in the slightest degree satisfied them that the number recommended by the former committee is not amply sufficient ; but on the contrary, the committee think, that if the clerks now employed, discharge their duty faithfully and with the proper ability, there would be no cause of complaint, and no unnecessary delay in the business of the Convention.

The committee admits that after the constitution we are about to prepare is adopted, it may be necessary to employ a competent person to translate the constitution from English into French. But that will be but the work of a day or two. At the present time they see no necessity of increasing the number, and they therefore recommend that no additional clerks be employed or appointed.

The foregoing report was read, and on motion of Mr Winchester, was laid on the table, subject to call.

Mr. Soulé presented the following resolution, which was read :

Resolved, That an additional clerk be appointed, whose duty it shall be to translate from English into French the reports of the va-

rious committees, and the articles of constitution, as progress is made in the discussion of the same.

Mr Soulé moved that the foregoing resolution be adopted, and Mr Boudousquie called for the yeas and nays on said adoption.

Messrs Aubert, Benjamin, Boudousquie, Bourg, Brent, Briant, Carriere, Cenas, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Downs, Dunn, Garcia, Guion, Humble, Labauve, Legendre, Leonard, Marigny, Mazureau, Penn, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Roman, Roselius, St. Amant, Saunders, Scott of Madison, Soulé, Splane, Voorhies, Wikoff, Winchester and Winder voted in favor of its adoption—42 yeas ; and Messrs Beatty, Brazeale, Brumfield, Cade, Eustis, Garrett, Grymes, Hudspeth, Hynson, King, Lewis, McRea, Mayo, O'Bryan, Peets, Porche, Porter, Ratliff, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens, Taylor of St. Landry, Waddill and Wederstrandt voted against its adoption—25 nays.

The resolution was consequently adopted.

Mr Winchester moved that the Convention proceed to the election of the translator called for by the said foregoing resolution.

His motion prevailed, and Mr Claiborne nominated Mr Edouard Louvet as a candidate.

Mr Voorhies moved that the rules be dispensed with, and that the Convention proceed to the election *viva voce*.

His motion was lost.

The Convention then proceeded by ballot to the said election, sixty-seven delegates being present.

The votes being deposited, the president appointed Messrs Claiborne and Briant as tellers, and the result of the election was that Mr. Edouard Louvet had received . . . 46 votes
Mr C. Fitz 3 "
" J. Wrist 2 "
Blank 16 "

Total 67 "

Mr Louvet having received the necessary majority of votes, was declared duly elected.

Mr Boudousquie introduced the following resolution, which was read and adopted :

Resolved, That a committee of enrolment, composed of five members, be appointed, whose duty it shall be to superintend the enrolment of the proceedings of this Convention, and to supervise the translation of the several articles to be adopted by this Convention, from the English into the French language, and vice versa.

The president appointed Messrs Soulé, Roman, Garcia, Eustis and Claiborne of said committee.

Mr Porter, of the committee appointed to re-

port a bill of rights, made the following report, which was read :

The committee appointed to report a bill of rights, beg leave to represent, that they have had the same under consideration, and believing, as they do, that in all republican governments, and especially in the organic laws thereof, that a frequent recurrence to first principles is both necessary and proper, we therefore respectfully recommend and submit to your consideration the following bill of rights, to wit:

BILL OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and unalterably established, we, the representatives of the people of the State of Louisiana, declare—

SEC. 1.—That all freemen, when they form a social compact, are equal, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing and obtaining safety and happiness.

SEC. 2.—All political power is inherent in the people ; all free governments are founded on their authority, and instituted for their peace, safety and happiness ; public officers are their trustees and servants, and at all times amenable to them ; of all forms of government, that is the best which is capable of producing the greatest degree of happiness and safety to the greatest number of persons, & is most effectually secured against the dangers of mal-administration ; and when any form of government shall be found inadequate or contrary to those purposes, a majority of the community have an unalienable and indefeasible right to reform, alter or abolish their form of government in such manner as they may think most conducive to the public weal.

SEC. 3.—That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect or support any place of worship, or to maintain any minister or priest against his consent, that no human authority can, in any case whatever, control or interfere with the rights of conscience ; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.

SEC. 4.—That no religious test shall ever be required as a qualification to any office or public trust under this State.

SEC. 5.—That all elections shall be free and equal.

SEC. 6.—That the right of trial by jury shall remain inviolate.

SEC. 7.—That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures, and that general warrants, whereby an officer may

be commanded to search suspected places without evidence of the fault committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SEC. 8.—That no free man shall be taken or imprisoned, or deseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but in pursuance of the judgment of his peers, or the law of the land.

SEC. 9.—That in all criminal prosecutions, the accused hath a right to be heard by himself and his council, to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witness face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecution by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

SEC. 10.—That no person shall, for the same offence be twice put in jeopardy of life or liberty.

SEC. 11.—That laws made for the punishment of facts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of free government, wherefore no *ex post facto* law shall be made.

SEC. 12.—That no person arrested or confined in jail shall be treated with unnecessary rigor.

SEC. 13.—That no free white man shall be put to answer any criminal charge but by information, presentment, indictment or impeachment.

SEC. 14.—That all prisoners shall be bailable by sufficient securities, unless for capital offences, when the proof is evident or the presumption great. And the privilege of the writ of *habeas corpus* shall not be suspended unless when, in the case of rebellion or invasion, the public safety may require it.

SEC. 15.—That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 16.—That all courts shall be open; and every man for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the State in such manner and in such courts as the legislature may by law direct.

SEC. 17.—That the person of a debtor, when there is not strong presumption of fraud, shall not be confined in prison after the delivery up of his estate for the benefit of his creditor or credi-

rsot, in such manner as shall be prescribed by law.

SEC. 18.—That the printing press shall free to every person who undertakes to examine the proceedings of the legislature, or of any branch or officers of the government; and no law, shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak and write and print on any subject, being responsible for the abuse of that liberty. But in prosecuting for the publication of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments or prosecutions for libels, the jury shall have a right to determine the law and the facts under the direction of the court, as in other criminal cases.

SEC. 19.—That no retrospective law, or law impairing the obligation of contracts, shall be made.

SEC. 20.—That no man's particular services shall be demanded, or property taken or applied to public use, without the consent of his representative or without just compensation being made therefor.

SEC. 21.—That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

SEC. 22.—That the citizens have a right, in a peaceable manner to assemble together for the common good, to instruct their representatives, and to apply to those invested with the powers of government, for redress of grievances or other proper purposes, by address or remonstrance.

SEC. 23.—That the sure and certain defence of a free people is a well regulated militia, and as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

SEC. 24.—That the free white men of this State have a right to keep and bear arms in defence of themselves and the State.

SEC. 25.—That an equal participation of the navigation of the Mississippi river is one of the inherent rights of the citizens of this State; it cannot therefore be conceded to any prince, potentate, power, person or persons whatever.

SEC. 26.—That no hereditary emoluments, privileges or honors shall ever be granted or conferred in this State.

SEC. 27.—That the legislature shall have power to extend this constitution, and the jurisdiction of this State over all the territory, claimed at this time by the State of Louisiana, or which may hereafter be ascertained to be within her limits, or over any territory acquired by compact with any State, or with the United

States, the same being done by consent of the United States.

On motion of Mr. Ratliff, leave of absence was granted for a few days to Mr. Ledoux.

On motion of Mr. Penn, leave of absence was also granted to Messrs. Burton, Read and McCalop.

On motion of Mr. Grimes, leave of absence was also granted for a few days to Mr. Augustin Duplantier, one of the translating clerks.

Mr. Beatty presented the following resolution:

Resolved, That a committee of five members be appointed, to enquire into the capacity of the translating clerks of this Convention to perform the duties of their office, and to report thereon without delay; as well as on the expediency of dispensing with the services of one or more of them.

Said resolution was read, and Mr. Beatty moved its adoption, and called for the yeas and nays:

Messrs. Aubert, Beatty, Benjamin, Boudousquié, Bourg, Brazeale, Brent, Briant, Brumfield, Cade, Cenas, Chambliss, Claiborne, Conrad of Jefferson, Couvillon, Derbés, Downs, Dunn, Garcia, Garrett, Grymes, Guion, Hudspeth, Humble, Hynson, King, Labauve, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Roselius, St. Amant, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wadsworth, Wederstrandt, Wikoff and Winder voted in favor of its adoption—58 yeas.

And Messrs. Carrière, Culbertson, Roman, Splane and Winchester voted against its adoption—5 nays.

The resolution was consequently adopted, and the President appointed Messrs. Beatty, Boudousquié, Grymes, Lewis and Mazureau

Mr. Ratliff, of the Committee on Contingent Expenses, presented the following resolution, which was read and adopted:

Resolved, That the sum of twenty-four dollars be allowed to Charles Fitz, for his services as acting clerk of this Convention during the first four days of its sittings, and that a warrant in the usual form be given him upon the Treasurer of this State for the same.

Mr. Downs gave notice that he would, on Monday, move for the consideration of the following resolution, adopted on yesterday, viz:

Resolved, That the contested election from the parish of Orleans be recommitted to the Committee on Elections, with instructions to receive all legal evidence offered by the parties, and report as early as possible.

Mr. Dunn moved that the Convention adjourn till Monday next, at 12 o'clock, M.

Mr. Downs called for the yeas and nays on said motion, and the result was, that

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Briant, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbés, Dunn, Garcia, Garrett, Grymes, Guion, King, Legendre, Leonard, Lewis, McRae, Mazareau, Porche, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Roman, Rose-lins, St. Amant, Saunders, Scott of Baton Rouge, Sellers, Stephens, Taylor of St. Landry, Waddill, Wadsworth, Wederstrandt, Winchester and Winder voted in favor of its adoption—39 yeas.

And Messrs. Bourg, Brazeale, Brent, Brumfield, Cade, Carriere, Chambliss, Convillon, Downs, Hudspeth, Humble, Hynson, Labauve, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Preston, Prudhomme, Ratliff, Scott of Feliciana, Scott of Madison, Soulé, Splane, Voorhies and Wikoff voted against its adoption—28 nays.

The Convention therefore adjourned till Monday next, at 12 o'clock, M.

Messrs. Chinn, Kenner and Trist, absent on account of indisposition.

Messrs. Burton, Read and McCalop, absent on leave.

MONDAY, 19th August, 1844.

The convention met pursuant to adjournment.

The proceedings were opened with prayer, by the Reverend Mr. Smith.

Mr. Lewis, on behalf of the majority appointed on General Provisions made the following report, which was read.

The committee to whom was referred the subject of the general provisions of the constitution of the State of Louisiana as contained in the sixth article of the constitution, with instructions "to recommend such changes, alterations and amendments, as they may deem proper and expedient" in said general provisions—respectfully submit the following report:

ARTICLE VI.—General Provisions.

SECT. 1—Members of the general assembly, and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation.

"I (A B) do solemnly swear (or affirm) that
"I will faithfully and impartially discharge and
"perform all the duties incumbent on me as
"according to the best of my abil-
"ities and understanding, agreeably to the rules
"and regulations of the constitution and laws
"of the State. So help me God."

SECT. 2d—Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses

to the same overt act, or his own confession in open Court.

SECT. 3d—Every person shall be forever disqualified from serving as Governor, Senator, or Representative, and from holding any other office of trust or profit in this State, who shall have been convicted of having given, or offered, any bribe to procure his election or appointment.

SECT. 4—Laws shall be made to exclude from office and from the right of suffrage those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors: the privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

SECT. 5—No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money for the support of an army be made for a longer term than one year. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

SECT. 6—It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitration, to be appointed by the parties, who may choose that summary mode of adjustment.

SECT. 7—All civil officers for the State at large shall reside within the State, and all district or parish officers within their respective districts or parishes, and shall keep their respective offices at such places therein as may be required by law. And no person shall be elected or appointed to any district or parish office who shall not have resided in such district or parish long enough before such election or appointment to have acquired the right of voting for Representatives to the general assembly, in such district or parish.

SECT. 8—The Legislature shall determine the time of duration of the several public offices when such time shall not have been fixed by this Constitution. *Provided* that such time shall never exceed four years, except Notaries public, whose time of office may be extended to seven years; and all civil officers except the Governor and Judges of the superior and inferior Courts shall be removeable by an address of a majority of the members of both Houses, except those the removal of whom has been otherwise provided for by this Constitution.

SECT. 9—Absence on the business of this State or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this State, under the exceptions contained in this constitution.

SECT. 10—It shall be the duty of the general assembly to regulate by law, in what cases, and what deduction from the salaries of public officers shall be made for neglect of duty in their official capacity.

SECT. 11—Returns of all elections for members of the general assembly, shall be made to the secretary of State for the time being.

SECT. 12—The Legislature shall point out the manner in which a person coming in the country shall declare his residence.

SECT. 13—In all elections by the people the vote shall be by ballot; and in all elections by the Senate and House of Representatives jointly or separately the vote shall be given *viva voce*.

SECT. 14—No member of Congress nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly of this State, or hold or exercise any office of trust or profit under the same.

SECT. 15—All laws that may be passed by the Legislature, and the public records of this State, and the judicial and legislative written proceedings of the same, shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

SECT. 16—The general assembly shall direct by law, how persons who are now or may hereafter become securities for public officers, may be relieved or discharged on account of such securityship.

SECT. 17—No power of suspending the laws of this State shall be exercised, unless by the Legislature or its authority.

SECT. 18—In all criminal prosecutions, the accused shall have the right of being heard by himself or counsel, of demanding the nature and cause of the accusation against him, of meeting the witnesses face to face, of having compulsory process for obtaining witnesses in his favor throughout the State, and prosecution by indictment or information; a speedy public trial by an impartial jury of the vicinage, nor shall he be compelled to give evidence against himself.

SECT. 19—All prisoners shall be bailable by sufficient securities, unless for capital offences where the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

SECT. 20—No *ex post facto* law, nor any law impairing the obligation of contracts shall be passed.

SECT. 21—Printing presses shall be free to every person who may undertake to examine the proceedings of the Legislature, or any branch of the government, and no law shall

ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

SECT. 22—Emigration from the State shall not be prohibited.

SECT. 23—The first general assembly to be elected under this constitution shall determine upon the place where the seat of government of the State shall be permanently located from and after the first day of January in the year one thousand eight hundred and fifty.

SECT. 24—The Legislature shall not have power or authority to pledge the faith of the State as security for the payment of any bonds, bills or other contracts or obligations whatever; nor to borrow money for any purpose whatever, except for defraying the expense of war, or for the purpose of repelling an invasion of the State by an armed force, or of suppressing an insurrection.

SECT. 25—The Legislature shall provide by law for a change of venue in civil and criminal cases.

SECT. 26—No lottery shall be anthotized by this State, and the buying and selling of lottery tickets within the State shall be prohibited by law.

SECT. 27—No divorce shall be granted by the Legislature of this State.

SECT. 28—Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

SECT. 29—Every law of a general nature shall be equally applicable to all parts of the State.

SECT. 30—No law shall be revived, or amended by reference to its title, but in such case the act revived, or section amended, shall be re-enacted and published at length.

SECT. 31—The State shall not become subscriber to the stock of any corporation or joint stock company.

SECT. 32—No person shall hold or exercise, at the same time, more than one civil office in this State, except one of such offices be that of a justice of the peace.

SECT. 33—No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, without six months previous public notice of the intended application for the same in such manner as shall be prescribed by law; nor shall any charter, for the purpose aforesaid, be granted for a longer period than twenty years; and every such charter shall contain a clause reserving to the Legislature the power to alter, revoke or annul the same, whenever, in their opinion, it may be expedient to do so: and every charter so granted, shall be upon the express condition that the share-holders or members of such cor-

poration shall be bound personally and *in solido*, for all the liabilities and acts of such corporation, and for the consequences resulting therefrom.

SECT. 34—All charters heretofore granted by the Legislature shall determine on the first day of January in the year one thousand eight hundred and ninety, when no earlier limit has been fixed in the act of incorporation; and no corporate privileges hereafter to be created shall ever endure for a longer term than twenty five years: *provided* that this section shall not apply to political and municipal corporations.

SECT. 35—The general assembly shall never grant any exclusive privilege or monopoly in such form as to prevent any subsequent Legislature from granting similar privileges to other individuals or corporations.

SECT. 36—Slaves shall be forever held and considered as immoveables, and shall be regulated by the same laws as other immoveable property.

SECT. 37—All commissions shall be in the name and by the authority of the State of Louisiana, sealed with the State seal and signed by the Governor.

SECT. 38—The constitution and laws of this State shall be published in the French as well as in the English language, as heretofore.

The foregoing report is submitted by order of a majority of your committee, as the result of their joint deliberations.

Most of the members of the committee dissent from one or more of the sections now reported, and reserve the right of presenting their objections when such sections shall come up for discussion in the convention, as a mode, less likely to lead to confusion, than by making separate reports.

On behalf of the committee,
(Signed) THOS. H. LEWIS,
Chairman.

Mr. Voorhies presented the following resolution, which was read:

“Resolved That this convention will adjourn on Thursday the 22d instant, to meet again on the 2d Monday of January next, at 12 o'clock meridian.

Mr. Lewis enquired of the president whether the order of the day had not the preference over the resolution just offered.

The president decided, that in the absence of any positive rule, he considered a motion to take up the order of the day, after 12 o'clock, as in order. The 32d rule adopted by the convention requires that the unfinished business at the last adjournment shall have precedence in the *orders of the day*, and according to the practice of the House of Representatives, the orders of the day are always taken up at 12 o'clock—that hour having passed, if a motion were made & seconded that the orders of the day be taken

up, the president decided that the motion would be in order.

Mr. Saunders than moved that the convention take up the order of the day, which was the report made by the majority of the committee of elections, in relation to the contested seats of Messrs. Conrad of Orleans and Benjamin.

Mr. Conrad of Jefferson called for the yeas and nays on Mr. Saunders' motion

Messrs. Brazeale, Brent, Cade, Chambliss, Downs, Dunn, Humble, Hynson, King, Leonard, McCalop, McRea, Marigny, Mayo, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Saunders, Scott of Baton-Rouge, Scott of Feliciana, Scott of Madison, Splane, Waddill, Wederstrandt and Wikoff voted in favor of the motion,—30 yeas.

And Messrs. Aubert, Beatty, Benjamin, Boudousquié, Bourg, Briant, Brumfield, Carrière, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Culbertson, Derbès, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, Labauve, Legendre, Lewis, Mazureau, Penn, Prudhomme, Pugh, Roman, Koselius, St. Amant, Sellers, Soulé, Stephens, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Winchester and Winder voted against the motion—41 nays.

Mr. Saunders' motion was consequently lost.

Mr. Lewis moved to lay the resolution on the table subject to call.

Mr. Downs called for the yeas and nays, on Mr. Lewis' motion:

Messrs. Brazeale, Brent, Burton, Cade, Chambliss, Downs, Dunn, Hudspeth, Humble, Hynson, King, Leonard, Lewis, McCalop, McRea, Marigny, Mayo, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Saunders, Scott of Baton-Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Taylor of St. Landry, Waddill, Wederstrandt and Wikoff voted in favor of the motion—35 yeas.

And Messrs. Aubert, Beatty, Benjamin, Boudousquié, Bourg, Briant, Brumfield, Carrière, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Culbertson, Derbès, Eustis, Garcia, Grymes, Guion, Kenner, Labauve, Legendre, Mazureau, Penn, Prudhomme, Pugh, Roman, Roselius, St. Amant, Sellers, Soulé, Trist, Voorhies, Wadsworth, Winchester & Winder, voted against the motion—37 nays.

The motion was consequently lost.

Mr. Lewis moved to substitute Saturday the 24th inst. for Thursday 22d.

Mr. Voorhies accepted the amendment.

Mr. Humble moved to amend the said resolution by striking out after the words “will adjourn on,” the words “Saturday 24th inst,” and

inserting in their stead the words "1st Monday of October next."

Mr. Cenas moved that the resolution be divided, and that the question be put on the first part thereof, which was in the following words, as proposed to be amended by M. Humble.

"*Resolved* that this convention will adjourn on the 1st Monday of October next."

And Mr. Downs called for the yeas and nays on Mr. Humble's amendment.

And Messrs. Brazeale, Brent, Burton, Chambliss, Downs, Dunn, Humble, Hynson, Leonard, McRea, Maigny, Mayo, Peets, Porter, Prescott of Avoyelles, Ratliff, Read, Saunders, Scott of Baton-Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Waddill, Wederstrandt and Wikoff voted in favor of its adoption—26 yeas.

And Messrs. Aubert, Beatty, Benjamin Boudousquié, Bourg, Briant, Brumfield, Cade, Carrière, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Culbertson, Derbès, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, McCalop, Mazureau, Penn, Porche, Prescott of St. Landry, Preston, Prudhomme, Pugh, Roman, Roselius, St. Amant, Sellers, Soulé, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Winchester and Winder voted against it—46 nays.

Mr. Leonard moved to amend the said resolution by inserting the words "*1st Tuesday in September*" instead of the words "*Saturday 24th inst.*"

Mr. Leonard said that he made the motion with a view of testing the sense of the House; that he would himself vote against it.

And Mr. Guion called for the yeas and nays on said amendment.

Messrs. Aubert, Beatty, Benjamin, Boudousquié, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carrière, Cenas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Culbertson, Derbès, Downs, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Legendre, Leonard, Lewis, McCalop, McRea, Marigny, Mayo, Mazureau, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Baton-Rouge, Scott of Feliciana, Scott of Madison, Soulé, Sellers, Splane, Stephens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Wikoff, Winchester & Winder voted against said amendment—72 nays. No yeas.

The amendment was consequently lost.

Mr. Benjamin moved that the convention adjourn till to-morrow at 9 o'clock A. M.

His motion was lost.

Mr. Kenner moved that the call of the convention be made.

His motion prevailed, and the following members were present, viz:

Messrs. Joseph Walker, president; Beatty, Benjamin, Boudousquié, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Carrière, Cade, Cenas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Culbertson, Derbès, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Legendre, Leonard, Lewis, McCalop, McRea, Marigny, Mayo, Mazureau, Peets, Penn, Porche, Porter, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Baton-Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Wikoff, Winchester and Winder.

Mr. Saunders moved that the convention adjourn till to-morrow at 9 o'clock, A. M.

His motion was lost.

Mr. Downs renewed Mr. Saunders' motion to adjourn till 9 o'clock, A. M.

Said motion was again lost.

Mr. Downs then rose to a point of order.

And pending his debate on motion of Mr. Chinn, the convention adjourned till to-morrow at 9 o'clock A. M.

Note.—Mr. Taylor of Assumption absent on account of indisposition. Mr. O'Bryan absent.

TUESDAY, 20th August, 1844.

The Convention met pursuant to adjournment.

The Rev. Dr. Lacey opened the proceedings by prayer.

The President requested that the Convention adopt a rule in relation to the orders of the day.

Mr. Downs enquired of Mr. Winchester if the counter report of the minority of the committee appointed on the legislative department was prepared.

Mr. Winchester replied that one of the members in the minority of said committee was absent till this day, and that to-morrow morning said report will be made.

ORDER OF THE DAY.

The Convention took up the following resolution, the first part of which was under consideration at the adjournment yesterday.

Resolved, That this Convention will adjourn on Saturday the 24th inst., to meet again on the 2d Monday of January next at 12 o'clock, meridian.

Mr. McRae presented the following resolution as a substitute to the foregoing:

Be it Resolved, That this Convention adjourn on Monday next until the second Monday of

September next, and that no mileage be paid for going or returning from home, but instead of which each member shall be paid his traveling expenses.

Mr. Beatty called for the previous question, and his motion prevailed.

Mr. Beatty then called for the yeas and nays on the adoption of the said foregoing first part, and the result was that

Messrs Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Carrière, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Culbertson, Derbès, Eustis, Garret, Garcia, Grymes, Guion, Hudspeth, Kenner, King, LaBauve, Legendre, Lewis, Mazureau, Penn, Porche, Prudhomme, Pugh, Roman, Roselius, St. Amant, Sellers, Soulé, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Winchester and Winder, voted for its adoption—42 yeas; and

Messrs Brazeale, Brent, Burton, Cade, Chambliss, Chinn, Downs, Dunn, Humble, Hynson, Ledoux, Leonard, McCalop, McRae, Marigny, Mayo, O'Brian, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Waddill, Wederstrandt and Wikoff, voted against its adoption—33 nays; it was consequently adopted.

The following which was the second part of said resolution was read, viz :

To meet again on the 2d Monday of January next at 12 o'clock, meridian; and Mr Downs moved to strike out of said resolution the "second Monday of January," which motion prevailed.

Mr. Cade moved to insert the 3d Monday of January, and called for the yeas and nays on the adoption of said amendment, and

Messrs Aubert, Beatty, Boudousquie, Bourg, Brent, Cade, Cenas, Chinn, Claiborne, Dunn, Eustis, Grymes, Guion, Hudspeth, Hynson, Lewis, McCalop, Marigny, Mazureau, Peets, Prescott of Avoyelles, Prudhomme, Pugh, Ratliff, Saunders, Scott of Baton Rouge, Splane, Taylor of St. Landry, Wadsworth, Wederstrandt, Wikoff, Winchester and Winder voted in favor of the adoption of said amendment—33 yeas; and

Messrs Benjamin, Brazeale, Briant, Brumfield, Burton, Carrière, Chambliss, Culbertson, Derbès, Downs, Garcia, Garrett, Humble, Kenner, King, LaBauve, Ledoux, Legendre, Leonard, McRae, Mayo, O'Brian, Penn, Porche, Porter, Prescott of St. Landry, Preston, Read, Roman, Roselius, St. Amant, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Trist, Voorhies, and Waddill voted against its adoption—39 nays; said amendment was consequently lost.

Mr. Guion then moved to insert the words:

"2d Tuesday of January," and called for the yeas and nays on the adoption of the same; and

Messrs. Aubert, Beatty, Boudousquie, Bourg, Brent, Brumfield, Cade, Cenas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Derbès, Dunn, Eustis, Grymes, Guion, Hudspeth, Hynson, Kenner, King, Legendre, Lewis, McCalop, Marigny, Mazureau, Peets, Prescott of Avoyelles, Prudhomme, Pugh, Ratliff, Roman, St. Amant, Saunders, Soulé, Splane, Taylor of St. Landry, Triest, Voorhies, Wadsworth, Wikoff, Wederstrandt, Winchester and Winder voted for its adoption—46 yeas; and

Messrs Benjamin, Brazeale, Briant, Burton, Carrière, Culbertson, Downs, Garcia, Garrett, Humble, LaBauve, Ledoux, Leonard, McRae, Mayo, O'Bryan, Penn, Porche, Porter, Prescott of St. Landry, Preston, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens and Waddill voted against its adoption—29 nays; and the said amendment was consequently adopted.

Mr. Winchester moved for the adoption of that resolution as amended, and called for the yeas and nays on said motion; and the result was as follows :

Messrs Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Derbès, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Legendre, Lewis, Mazureau, Porche, Prescott of Avoyelles, Prudhomme, Pugh, Roman, Roselius, St. Amant, Sellers, Soulé, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Wikoff, Winchester and Winder voted in favor of its adoption—39 yeas; and

Messrs Walker, Brazeale, Brent, Burton, Cade, Carrière, Chambliss, Chinn, Culbertson, Downs, Dunn, Garrett, Humble, Hynson, LaBauve, Ledoux, Leonard, McCalop, McRae, Marigny, Mayo, O'Brian, Peets, Penn, Porter, Prescott of St. Landry, Preston, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Waddill and Wederstrandt, voted against its adoption—37 nays. Said resolution was consequently adopted as amended.

Mr. Grymes, on behalf of the majority of the committee appointed on the Judiciary, made the following report :

The Judiciary Committee report to the Convention the following sections of article 4th of the Constitution, concerning the Judiciary Department.

(Signed,)

JNO. R. GRYMES,

Chairman.

SEC. 1. The judicial power shall be vested in a supreme court, in district courts, to be established throughout the State, in justices of the peace of such other courts in the city of

New Orleans, as the Legislature may from time to time direct.

SEC. 2. The supreme court shall have appellate jurisdiction only, except in cases hereinafter provided, which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars.

SEC. 3. The supreme court shall be composed of one chief justice and of three associate justices, a majority of whom shall constitute a quorum, each of said judges shall receive a salary of ——— thousand dollars annually. The said court shall appoint its own clerks. The said judges shall be appointed by the Governor by and with the advice and consent of the Senate for the term of ten years.

SEC. 4. The supreme court shall hold its sessions in the city of New Orleans from the month of November to the month of June inclusive. The Legislature shall have power to fix the sessions elsewhere during the rest of the year. Until otherwise provided, the sessions shall be held in New Orleans.

SEC. 5. The supreme court and each of the judges thereof shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under civil process.

SEC. 6. The appellate jurisdiction of the supreme court shall extend to all cases in which the constitutionality or legality of any tax, toll or impost of any kind or nature soever shall be in contestation, whatever may be the amount thereof, and likewise to all fines, forfeitures and penalties imposed by municipal corporations.

SEC. 7. The supreme court shall have appellate jurisdiction in criminal cases on questions of law alone, in all cases in which the punishment of death or hard labor may be inflicted or a fine exceeding three hundred dollars is actually imposed.

SEC. 8. In all cases in which the judges shall be equally divided in opinion, the judgement appealed from shall stand affirmed, in which case each of the judges shall give his separate opinion in writing.

SEC. 9. The judges by virtue of their office shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the State of Louisiana and conclude against the peace and dignity of the same.

SEC. 10. The judges of all courts shall in all cases give in writing their reasons on which their judgement is founded.

SEC. 11. No court or judge of any court appointed under this Constitution shall exercise any jurisdiction or perform any functions but such as are purely judicial, and no other duties or functions shall ever be attached by law to the office of a judge but such as are judicial.

SEC. 12. No court or judge of any court shall ever have the power by any order or judgment, in any suit, process, or other proceedings before them, or pending in such court, to order or adjudge any money to be paid by the parties to such suits or proceedings, or to make any allowance out of any money or property that may be in actual custody of said court or the officers thereof except for the payment of the legal fees of the ministerial officer of the said court, as allowed and established by law.

SEC. 13. The judges of all courts shall be liable to impeachment, but for any reasonable cause which shall not be held sufficient ground for impeachment, the Governor shall remove any of them on the address of three-fourths of each House of the General Assembly.

SEC. 14. There shall be an Attorney General for the State and as many other prosecuting Attorneys for the State as may hereafter be found necessary. The said Attorneys shall be appointed by the Governor with the advice and approbation of the Senate. Their duties shall be determined by law.

SEC. 15. The State shall be divided into the following judicial districts, in each of which one judge learned in the law, shall be appointed. Said districts shall remain unchanged until the first day of January eighteen hundred and fifty-one.

The First District shall be composed of the Parishes of Plaquemines, St. Bernard and Orleans.

Second District of the Parishes of St. Charles and Jefferson.

Third District of the Parishes of Ascension, St. James and St. John the Baptist.

Fourth District of Assumption, Lafourche Interior and Terrebonne.

Fifth District Iberville, West Baton Rouge and Pointe Coupée.

Sixth District East Feliciana and West Feliciana.

Seventh District of St. Helena, Washington and St. Tammany.

Eighth District of East Baton Rouge and Livingston.

Ninth District of Natchitoches and Claiborne.

Tenth District of Caddo and Bossier.

Eleventh District of Rapides and Avoyelles.

Twelfth District of Sabine and Calcasieu.

Thirteenth District of St. Landry and Lafayette.

Fourteenth District of St. Mary. St. Martin and Vermillion.

Fifteenth District of Union, Morehouse and Ouachita.

Sixteenth District of Caldwell, Franklin and Catahoula.

Seventeenth District of Carroll and Madison.

Eighteenth District of Tensas and Concordia.

SEC. 16. After the 1st of January 1851, the Legislature may re-organise the said Districts, which shall remain unchanged for ten years thereafter, and be subject to re-organization once in every ten years: *provided* the number of districts shall never be less than eighteen or more than twenty-four.

SEC. 17. Whenever a new parish shall be formed out of two or more parishes belonging to different districts, the said new parish shall be attached to one of them.

SEC. 18. Each of said judges shall receive a salary of not less than twenty-five hundred dollars annually. He must be a citizen of the United States over the age of thirty years and have resided in the State for six years next preceeding his appointment and have practised law therein for the space of five years.

SEC. 19. The judges of said district courts, and of the courts to be established in the city of New Orleans, shall hold their offices for the term of six years, and shall be appointed by the Governor by and with the advice and consent of the Senate: *provided*, that when the first appointments made under this Constitution are made, six of said district judges shall be appointed for the term of two years, six for the term of four years, and six for the term of six years.

SEC. 20. The said district courts shall have general original jurisdiction in all civil cases when the amount in dispute exceeds fifty dollars. In all criminal cases, and in all matters connected with successions their jurisdiction shall be unlimited.

SEC. 21. The Legislature shall have power to vest in clerks of courts authority to grant such orders and do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the powers thus granted shall be specific and determined.

SEC. 22. The clerks of the several courts shall be removeable for breach of good behavior by the judges thereof, subject in all cases to an appeal to the supreme court.

SEC. 23. The jurisdiction of justices of the peace shall never exceed in civil cases the sum of fifty dollars. They shall be elected by the qualified voters of each parish for the term of _____ years.

SEC. 24. The judges of the supreme court and district courts provided for in this Constitution shall be appointed and commissioned as soon as possible after this Constitution shall go into effect. And the Legislature shall provide for the removal of all causes now pending in the supreme or other courts of the State under the present Constitution to the supreme and district courts created by this Constitution

and to the other courts that may be created by the Legislature for the city of New Orleans.

On motion, the Convention adjourned till to-morrow, at 9 o'clock, A. M.

WEDNESDAY, 21st August, 1844.

The Convention met pursuant to adjournment.

The Rev'd. Mr. CHAMBERLAIN opened the proceedings with prayer.

Mr. Bourg moved that leave of absence be granted Mr. Pugh, and the same was granted.

Mr. Ratliff offered the following resolution which was read:

Resolved, That the members of this Convention be allowed mileage from their actual residence to the Convention Hall in the town of Jackson, to be computed by the ordinary routes from their said residence to Jackson, Louisiana, and that they receive their warrants for the same accordingly.

Mr. Grymes moved the rejection of the above resolution, and his motion prevailed.

Order of the day.

The Convention took into consideration the contested election of the delegates from New Orleans, and pending the discussion, Mr. Benjamin moved that the order of the day be laid on the table, subject to call.

Mr. Brent offered the following resolution, which was read:

Resolved, That it is the opinion of this Convention, by which it will be governed in contested elections, that the receiving and return of votes by a single Judge or Inspector of elections is illegal, and that the votes thus returned will not be counted, and farther, that the votes of persons holding certificates of naturalization in due form of law, issued from the City Court of Lafayette, or any court of record; provided the said persons have the other qualifications required by the Constitution, shall be received, unless the challenging party shall prove to the satisfaction of the Inspectors of Election that the certificates are false or fraudulent, and that the person offering to vote is not entitled to said certificate of naturalization; and it is further the opinion of this Convention, that when the inspectors of

election are equally divided in opinion as to the reception of a vote, it cannot be received: but if the person offering to vote protests, stating in the protest the names of the candidates for whom he votes, the vote will be counted in case of a contested election should the Convention be of opinion that he was a qualified voter; and it is farther, the opinion of the Convention, that in case of an equal division of opinion of the inspectors as to a vote offered, the polls should not be closed, but the inspectors shall proceed to receive the votes of all qualified electors until the hour fixed by law for closing the polls.

Mr. Guyon moved an adjournment and called for the yeas and nays.

Messrs. Aubert, Beatley, Benjamin, Boudousquié, Bourg, Briant, Brumfield, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Garcia, Garrett, Guion, Hudspeth, Labauve, Stephens, Wadsworth and Winchester voted in the affirmative—.19 Yeas.

Messrs. Brazeale, Brent, Burton, Cade, Carriere, Cenas, Chambliss, Convillon, Culbertson, Derbes, Downs, Dunn, Eustis, Grymes, Humble, Hynson, Kenner, King, Ledoux, Legendre, Leonard, Lewis, McCalop, McRae, Marigny, Mayo, Mazureau, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Batton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt, Wikoff and Winder voted in the negative.—55 Nays. Consequently the motion was rejected.

Mr. Grymes moved that the resolution be laid on the table and made the order of the day for tomorrow, which motion prevailed, and the printing thereof ordered.

Mr. Cenas offered the following resolution which was read:

Resolved, That the Secretary be authorized to appoint an assistant at his own expense whose duty it shall be to supply his place during the adjournment, whenever he is prevented from attending thereto from sickness or any other sufficient

cause; *Provided, however*, that the Secretary shall be at all times responsible for the actions of his said assistant.

Mr. Benjamin moved that the said resolution be laid on the table till to-morrow.

Mr. Lewis offered the following resolution and moved that the same be laid on the table till to-morrow:

Resolved, That it shall be the duty of the secretary to superintend the printing of the reports of the committees and other documents ordered to be printed during the adjournment of the Convention, and that he do transmit——copies of each of said reports to each of the members of this Convention at their respective residences as soon as possible.

Mr. Mayo offered the following resolution and moved that the same be laid on the table till to-morrow:

Resolved, That the printer to this Convention be instructed by the Secretary not to include in the book to contain a journal of the proceedings to be printed by him, any of the speeches or proceedings of the Convention relative to the contested elections—nor relative to motions made and withdrawn by the mover, nor any of the speeches made relative to adjournment.

Mr. Penn on behalf of the committee appointed on the Schedule submitted a provisional report with leave to sit again.

The committee to whom was referred the eighth article of the Constitution or Schedule beg leave to submit the following provisional report and ask leave to set again, whenever the various alterations and amendments now proposed by the appropriate committees under the different heads of the Constitution shall have been acted on!

SCHEDULE.

1st. That no inconvenience may arise from the alterations and amendments made in the constitution of this State, and in order to carry the same into complete operation and effect, it is hereby declared and ordained,

2d. That all laws of this state in force at the time of making the said alterations and amendments and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall

continue as if the said alterations and amendments had not been made.

3d. The Governor, Secretary of State, Judges and all other officers, both civil and military, shall continue in the exercise of their duties of their respective departments until superseded, and their successors duly inducted into office pursuant to the provisions contained in the foregoing alterations and amendments.

(Signed) M. G. PENN, Chairman.

T. CARRIERE,

R. TAYLOR,

M. BOURG,

R. CADE,

J. B. DERBES.

August 21st, 1844.

Mr. Scott of Baton Rouge on behalf of the minority for the adjournment on the 24th inst., informed the house that he would on to-morrow or next day offer a protest against the said adjournment to be entered on the Journal of this Convention.

On motion the Convention adjourned till to-morrow at 10 o'clock A. M.

THURSDAY, August 22, 1844.

The Convention met pursuant to adjournment.

The Revd. Mr. Hagerman opened the proceedings by prayer.

Mr. Couvillon one of the committee, appointed on the executive department, made the following separate report, viz:

The undersigned, one of the members of the committee to whom was referred the Executive Department, begs leave to make the following separate report:

The majority of said committee have reported in favor of the adoption of the 9th and 10th sections of the 2d article of the constitution. The undersigned not concurring in said opinion respectfully proposes to substitute in lieu of said sections the following, viz:

SECT. 9. All judges, sheriffs and all other officers whose offices are established by this constitution shall be elected by the people.

SECT. 10. In cases of vacancy the governor on being informed thereof shall issue his proclamation directing an election to be held to fill the same.

All of which is respectfully submitted.

[Signed] PIERRE COUVILLON.

Mr. Ledoux, one of the minority of the committee appointed on the Executive Department, made the following report, viz:

THIRD ARTICLE OF THE CONSTITUTION.

REPORT.—As one of the minority of the committee to which was referred the third article of the constitution (the Executive Department) to report what amendments and alterations were necessary and proper therein. I respectfully submit the following report.

SECT. 1 The executive power of the State shall be vested in a governor.

SECT. 2 The governor shall be elected by the qualified electors of the State, at the same time and place where they shall respectively vote for representatives and senators. The returns of every election shall be sealed up, and transmitted to the Secretary of State who, shall deliver them to the Speaker of the House of Representatives, who shall open and publish them in presence of both Houses of the General Assembly, the person having the highest number of votes shall be Governor; but if two or more, shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of the General Assembly. Contested elections for Governor shall be determined by both Houses of the Legislature, in such manner as shall be prescribed by law.

SECT. 3: The governor shall hold his office during four years, from and after the second Monday of the first session of the General Assembly next ensuing his election and until a successor shall be elected and qualified.

SECT. 4. No member of Congress, or person holding any office under the United States, or minister of any religious society shall be eligible to the office of governor.

SEC. 5. The Governor shall at stated times receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 6. He shall be commander-in-chief of the army and navy of this State and of the militia thereof, except when they shall be called into the service of the U. States; but he shall not command personally in the field, unless he should be advised so to do by a resolution of the General Assembly.

SEC. 7. He shall nominate and appoint, with the advice and consent of the Senate, the judges of the supreme court, the district judges and all officers whose offices are created by this constitution, and whose appointments are not herein otherwise provided for: *Provided, however*, that the Legislature shall have a right to prescribe the mode of appointment of all other offices to be established by law.

SEC. 8. Vacancies that may happen in offices the appointment of which is vested in the Governor and Senate or in the Legislature, shall be filled by the Governor during the recess of the Legislature by granting commis-

sions which shall expire at the end of the next session.

SEC. 9. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

SEC. 10. He may on extraordinary occasions convene the General Assembly, at the seat of Government, or at a different place if that should have become dangerous from an enemy or from contagious disorders; and in case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he may think proper, not beyond the time of the next biennial session.

SEC. 11. He may require information in writing from all the officers of the State, upon any subject relating to the duties of their respective offices.

SEC. 12. A Lieutenant Governor shall be chosen at every election for Governor in the same manner, continue in office for the same time and possess the same qualifications. In voting for Governor and Lieutenant Governor the electors shall distinguish whom they vote for Governor, and whom they vote as Lieutenant Governor.

SEC. 13. In case of impeachment of the Governor, his removal from office, death, refusal to qualify, resignation or absence from the State, the Lieutenant Governor shall exercise all the powers and authority appertaining to the office of Governor until another be duly qualified, or the Governor absent or impeached shall return or be acquitted.

SEC. 14. The Lieutenant Governor shall by virtue of his office be President of the Senate, and when the Senate are equally divided he shall have a casting vote.

SEC. 15. When the Lieutenant Governor shall not attend as president or shall act as Governor the Senate shall choose one of their own members as President for that occasion, and if during the vacancy of the office of Governor the Lieutenant Governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the President of the Senate *pro tem*, shall in like manner administer the Government, until he shall be superseded by a Governor or Lieutenant Governor.

SEC. 16. The Lieutenant Governor while he acts as President of the Senate shall receive for his services the same compensation of a Senator; and during the time that he administers the Government as Governor shall receive the same compensation which the Governor would have received and been entitled to, had

he been employed in the duties of his office.

SEC. 17. The President *pro tempore* of the Senate, during the time he administers the Government, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

SEC. 18. A Secretary of State shall be appointed and commissioned during the term for which the Governor shall have been elected; he shall keep a fair register and attest all the official acts and proceedings of the Governor, and shall when required lay the same and all papers, minutes and vouchers relative thereto before either House of the General Assembly, and shall perform such other duties as may be enjoined him by law.

SEC. 19. Every bill which shall have passed both Houses shall be presented to the Governor; if he approves he shall sign it, if not he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon their journal and proceed to reconsider it. If after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

SEC. 20. Every resolution to which the concurrence of both Houses may be necessary, except resolutions for the purpose of obtaining the joint action of both Houses, and on questions of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be repassed by both Houses according to the rules and limitations prescribed in the case of a bill.

SEC. 21. There shall be appointed by the Governor, with the advice and consent of the Senate, an Auditor of the State, whose duty it shall be to examine and approve all accounts before they are paid by the Treasurer. He shall assist the Legislature in examining the accounts of the Treasurer, and perform all other duties which may be required of him by law.

SEC. 22. There shall be elected in each parish, by the qualified voters thereof, a parish

judge, a sheriff, coroner, surveyor, clerk of district court, and as many notaries public and justices of the peace as may be necessary, who shall continue in office ——— years.

SEC. 23. When vacancies shall occur in any of said offices by death, resignation or otherwise, the president of the police jury shall issue a writ of election, countersigned by the secretary, directing that an election be held within ——— months after such occurrence, to fill the same,

SEC. 24. The free white men of this State shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled to do so, but shall pay an equivalent for personal services.

SEC. 25. The militia of this State shall be organized in such manner as may be hereafter deemed expedient by the Legislature.

SEC. 26. All commissions shall be in the name and by the authority of the State of Louisiana, and sealed with the State seal, and signed by the Governor and Secretary of State.

(Signed) ZENON LEDOUX, Jr.

Mr Read, on behalf of a minority of the committee appointed on the Judiciary, submitted the following report :

SEC. 1. The Judiciary power of the State shall be vested in one supreme court, in district courts, and in such inferior courts as may be established by law.

SEC. 2. The supreme court shall consist of three judges, any two of whom shall form a quorum.

SEC. 3. The Legislature shall divide the State into three districts, numbering them, and the qualified voters of each district shall elect one of said judges for the term of six years.

SEC. 4. The supreme court shall have jurisdiction of errors of law in all civil and probate cases, where the amount in controversy before it exceeds three hundred dollars, and in all criminal cases when the accused is sentenced to a greater punishment than an imprisonment, or to the payment of a sum of money exceeding three hundred dollars. The Legislature may give to the supreme court appellate jurisdiction as to matters of fact in such cases as they may deem expedient.

SEC. 5. The supreme court shall be held at four different places in the State, to be fixed by the Legislature, for the purpose of trying and deciding appeals.

SEC. 6. The office of one of said judges shall be vacated in two years, of one in four years, and of one in six years, so that at the expiration of every two years one of said judges shall be elected as aforesaid. At the first election the person who shall be elected from the first district shall serve for the term of two years; the person elected from the second

district shall serve for the term of four years; and the person electors from the third district shall serve for the term of six years.

SEC. 7. The district courts of this State shall be presided by one judge from each district, chosen by the qualified electors thereof, and shall hold his office for the term of four years.

SEC. 8. The State shall be divided into convenient districts, never less than eighteen nor more than twenty-four, avoiding the separation of any parish.

SEC. 9. District courts shall have original jurisdiction over all civil and probate matters, where the amount in dispute exceeds one hundred dollars, and in all criminal matters arising within their respective limits. They shall moreover have appellate jurisdiction over all cases originating with justices of the peace or other inferior tribunals when the matter in dispute exceeds twenty-five dollars.

SEC. 10. A suitable number of magistrates shall be chosen in every parish by the qualified electors thereof, for the term of two years, who shall have jurisdiction of all cases when the amount in controversy, or penalty to be inflicted does not exceed one hundred dollars; and shall perform such other duties as may be prescribed by law.

SEC. 11. There shall be elected by the qualified electors of the State at large, an Attorney General who shall hold his office during the term for which the Governor is elected, and until his successor is qualified; he shall keep his office at the seat of government he shall have the inspection of all courts of justice throughout the State, and report upon their conditions to the Legislature at least once in two years; he shall by virtue of his office be a justice of the peace for the whole State, with criminal jurisdiction only. He shall not appear as counsel in other cases than those in which the State is interested, except those cases only wherein absent heirs or creditors or other absent persons, insane persons or minors not represented, shall be interested, in all which cases arising at the seat of government; he shall appear, and elsewhere should the Governor require it, or the Attorney General be of opinion that the interest of the State demand his services. It shall be his duty to give his opinion and advice in writing or otherwise, upon all questions of law, when required by the Governor or any civil officer of the State, and he shall perform all other duties enjoined on him by law.

SEC. 12. There shall be elected a State Attorney for each parish by the qualified electors thereof, who shall hold his office for the term of two years. The State Attorneys shall prosecute all offenders against the laws in their respective parishes, and perform within the

same the duties prescribed to the Attorney General, so far as they are applicable, but they are not prohibited from general practice, so far as the same shall not conflict with the public duties of said State Attorneys.

SEC. 13. A clerk shall be elected by the qualified electors of each parish for the term of two years, whose duties shall be prescribed by law.

SEC. 14. The Governor shall with the advice and consent of the Senate, fill all vacancies which may occur among the Supreme and Inferior Judges, Attorney general and State Attorneys, for the time remaining unexpired before another regular election is to take place: *Provided*, said unexpired time do not exceed one year.

SEC. 15. For reasonable and stated cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of the said Judges, the Attorney General and the State Attorneys, on the separate address of each house of the General Assembly.

SEC. 16. The Legislature shall provide an adequate compensation for the judges and all other public officers, which shall not be diminished during the term for which they are elected.

SEC. 17. Clerks, Justices of the Peace and Inferior Judges, as well as all other parish officers, shall be liable, by information or indictment, to be removed for misdemeanor in office or neglect of duty.

SEC. 18. The Supreme Court shall appoint its own clerk, reporter and crier, and may remove them at pleasure.

SEC. 19. The business of the District Courts shall be done as much as possible by motions in open court, which with the pleadings, proceedings, orders and decisions, shall be entered upon the minutes and referred to by an index. The whole shall be subject to the inspection of all persons.

SEC. 20. The Legislature shall provide by law, courts for the trial of all cases in which the ordinary administration of justice is impeded by legal exceptions to the competency of the constitutional judges, and may also direct such number of the Justices of the Peace to sit as Associate Judges on the trial of such criminal cases as may be deemed expedient, and shall provide for such courts and justices a reasonable compensation, while actually in session.

We adopt the following sections embraced in the report of the majority: sections 5, 6, 9, 10, 11 and 12.

(Signed) ISAAC T. PRESTON,
J. FENWICK BRENT,
A. READ,

I join in the above report, but believe the same principles can be engrafted on the Parish Court system, which I prefer.

(Signed) ISAAC T. PRESTON.

Mr. Trist, one of the members of the committee appointed on the Judiciary, made the following separate report:

The undersigned begs leave to state that he dissents from the majority report in some points, the most important of which relates to the mode of appointment of judicial functionaries. He is not, however, prepared at this time, to give his assent to the plan for re-organizing the Judiciary proposed in the minority report; and as the plan submitted in both reports embrace radical changes in the present system, he wishes to stand unpledged to either until a further examination.

(Signed) H. B. TRIST.

Mr. Soulé, one of the committee appointed on the Judiciary, made the following report:

The undersigned begs leave to state that he dissent in many respects from both the majority and the minority of the members composing the above committee, and that he will be ready in due time to lay before this Convention his own views in relation to the Judiciary.

(Signed) P. SOULE,

One of the committee on the Judiciary.

Mr. Winchester on behalf of the minority of the committee to whom was referred the second article of the Constitution submitted the following report.

The undersigned, forming a minority of the committee to whom was referred the second article of the Constitution, being unable to coincide in opinion with the majority, in relation to many of the amendments proposed by them, beg leave to present to the consideration of the Convention the two following sections in lieu of the 6th and 8th sections of the majority report:

SEC. 6. Representation shall be equal and uniform in this state, and shall be apportioned among the several parishes included within the same, according to their representative numbers, which shall be determined by adding to the whole number of free persons, excluding Indians not taxed, three fifths of all other persons; the actual enumeration shall be made within two years, and every subsequent term of ten years, in such manner as the Legislature shall by law direct. The house of Representatives shall consist of not less than sixty members nor more than eighty members, the first apportionment under this constitution shall be made at the first session of the General Assembly that will convene under this Constitution, and until such apportionment is made, the representation in the house of representatives shall remain as now established by law.

SEC. 8. In all elections for members for the general assembly, every free white male citizen of the United States who hath attained to the age of twenty one years, and who shall have resided, previous to offering his vote, three years within the state, and the last two thereof in the parish in which he offers to vote, shall have the right of voting, *Provided*, that any one who is a house keeper, or the head of a family living in the State, shall be dispensed with one year of the foregoing term of residence in the State, and that any one who is the owner of a slave, or who has paid or is liable to pay, according to the last tax list a state tax of five dollars, or who is the owner and possessor of real estate within this state of the value of \$ — according to the last tax list, shall be dispensed with two years of the foregoing term of residence within the state. Electors shall in all cases except treason, felony, breach or surity of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

All of which is respectfully submitted.

(Signed)

BEN. WINCHESTER,
A. BOUDOUSQUIE.

Mr. Taylor of Assumption offered the following Resolution which was read :

Resolved, That when this Convention shall adjourn on Saturday the 24th inst., to meet on the second Tuesday of January next, at 12 o'clock M., it shall adjourn to meet in the city of New Orleans.

Mr. Splane moved that the above resolution be laid on the table indefinitely, and Mr. Trist called for the yeas and nays.

Messrs. Brazeale, Brent, Burton, Cade, Chambliss, Chinn, Downs, Dunn, Garrett, Hudspeth, Humble, Hynson, McCalop, McRae, Mayo, Peets, Penn, Porter, Prescott of Avoyelles, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Taylor of St. Landry, Waddill and Wederstrandt voted in the affirmative.—29 yeas.

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Carriere, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Eustis, Garcia, Grymes, Guion, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Lewis, Marigny, Mazureau, Porche, Prescott of St. Landry, Preston, Prudhomme, Roman, Roselius, St. Amant, Sellers, Soule, Stephens, Taylor of Assumption, Trist, Voorhies, Wadsworth, Wikoff, Winchester and Winder voted in the negative.—45 nays, consequently the motion was lost. Mr. Ratliff moved that the resolution be made the order of the day for tomorrow, and the same was lost. Mr. Beatty moved for the previous question, and called for the yeas and nays.

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Carriere, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Eustis, Garcia, Grymes, Guion, Kenner, King, Labauve, Ledoux, Legendre, Mazureau, Prudhomme, Roman, Roselius, St. Amant, Sellers, Soule, Stephens, Taylor of Assumption, Voorhies, Wadsworth, Wikoff and Winchester voted in the affirmative.—37 yeas.

Messrs. Brazeale, Brent, Burton, Cade, Chambliss, Couvillon, Downs, Dunn, Garrett, Hudspeth, Humble, Hynson, Leonard, Lewis, McCalop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Splane, Taylor of St. Landry, Trist, Waddill, Wederstrandt, Winder and the President voted in the negative.—37 nays. The votes being equal the motion was lost.

Mr. Kenner moved for the adoption of the resolution and called for the yeas and nays.

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Carriere, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon Culbertson, Derbes, Eustis, Garcia, Grymes, Guion, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Marigny, Mazureau, Porche, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Roman, Roselius, St. Amant, Soule, Stephens, Taylor of Assumption, Trist, Voorhies, Wadsworth, Wikoff, Winchester and Winder voted in the affirmative.—44 yeas.

Messrs. Brazeale, Brent, Burton, Cade, Chambliss, Chinn, Downs, Dunn, Garrett, Hudspeth, Humble, Hynson, Lewis, McCalop, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Tnylor of St. Landry, Waddill and Wederstrandt voted in the negative.—31 nays. The motion was adopted.

Mr. Benjamin offered the following resolution :

Resolved, That the President and Secretary be authorized and requested to adopt such measures as may be required for obtaining the use of the hall of the House of Representatives for the meeting of this Convention in January next, and in default thereof some other suitable and convenient hall.

Mr. Kenner offered to amend by substituting *a committee of three* for the *President and Secretary*, the amendment was accepted and the resolution was adopted, and Messrs. Marigny, Roselius and Leonard were appointed by the President on said committee.

Mr. Read, on behalf of the minority against the adjournment of the Convention, offered the following protest which was read :

We, the undersigned delegates of the State Convention, dissenting as we do, from the opinion expressed in this body on the 20th instant, upon the adjournment, beg leave to enter our solemn protest.

Ruled down by the strong arm of a majority, we have no other method of shielding ourselves from the keen censure which must inevitably fall with irresistible weight upon the actors in this novel and extraordinary proceeding, than to explain our position and proclaim our exemption from all just blame. Clothed with the highest trust known in civil government, we feel it our imperative duty to publish the causes which impede or render abortive our labors; and it would be akin to crime, were we to remain silent at this crisis, fraught with so many important consequences.

The people have a clear and acknowledged right to scrutinize the acts of their representatives, and to inquire into the motives which have produced certain results. It is their province to approve or disapprove, in such manner as they may deem proper, the conduct of their agents in the discharge of public duties. It is their prerogative to demand of all functionaries, a full, clear, frank and honest account of their stewardship, and the reasons which may have impelled them in their conclusions.

The great body politic of Louisiana has been tempest tossed for years, in consequence of the many defects in the organic law which we have come to reframe and amend. Technicalities, and forms, and ceremonies, smothered the public voice, until it burst forth in the fury of its might, bearing down all successful opposition. The representatives of the people were obliged to obey—they did obey—they called the Convention, designated a time within the limits prescribed by the Constitution, named a place for assembling, and appropriated a large amount of money to carry into effect the meaning and intent of the people.

The Convention, in obedience to law, assembled at the town of Jackson, on the first Monday of August, and proceeded to deliberate. Officers were chosen, committees appointed, to whom were referred the different branches of the Constitution, and everything was conducted with an apparent desire to effect an auspicious change as speedily as possible. The citizens of the town provided every comfort and luxury calculated to conduce to the health and pleasure of delegates and spectators. All was bright and cheering as in the morning of time; party spirit recoiled to its bed; the passions of men were soothed, from the happy reflection that a glorious era had commenced in Louisiana; the demon of discord aroused not from his lair, but peace prevailed universally and without interruption; and all congratulated themselves that a beau-

tiful and lasting structure, fashioned in wisdom and conciliation, would be the result of this deliberative body.

But the evil day came, and with it a postponement of the labors enjoined upon the Convention. The consequences are, unnecessary expenditures of large sums of money, a waste of time, delay of public justice, and disappointment to an indulgent people, together with innumerable inconveniences to many of the delegates, whose services will shortly be required in other spheres of public importance and of private trusts.

No sufficient cause, as we conceive, was assigned for this unwarrantable assumption of power, and none could be. The health of the town and neighborhood was never better than it has been up to this moment; the delegates enjoy a remarkable share of the blessing of heaven, as evidenced by the presence of seventy-six out of seventy-seven, in the hall, on the day of this memorable, and unfortunate determination to adjourn; and yet the fiat has gone forth regardless of reason and the demands of the people. No epidemic darts from the noonday beams or hangs upon the curtains of night, to alarm the stranger or discompose the citizen—no foreign enemy is upon our borders to lay waste our fields and eat our substance—and no internal commotion, political or religious, disturbs the peaceful quietude of the country in which we are called to deliberate; but notwithstanding this favorable state of things for the accomplishment of the grandest object ever assigned to man, the millennial day of Louisiana is still left distant in the womb of time.

We, therefore, in the name of our constituents, solemnly protest against the adjournment of the Convention, as unnecessary, unwarrantable and unjustifiable.

We protest against it, because the people believed, and had a right to expect, that our labors would be continued until the final revision of the constitution.

We protest against it, because no good can arise therefrom, inasmuch as the crude matter reported by committees to the Convention, would rather mislead than enlighten those with whom we are soon to mingle, in reference to any final action which may be had.

We protest against it, because we cannot plead ignorance or want of information, on a subject which has claimed our attention for a series of years.

We protest against it, because our moral obligations are paramount and sacredly binding.

We protest against it, because it is our duty, at all hazards and at all sacrifices, to fulfil the functions with which we have been invested.

We finally and solemnly protest against it, because it establishes a ruinous precedent, which will effect this and future generations, by teaching prodigal habits, a disregard for the responsibility of important trusts, indulgence in the discharge of public duties, violation of implied faith, discontent among the people, and disobedience to the Constitution and laws of the land.

(SIGNED)

AMASA READ,	A. H. McRAE,
JAS. MCCALOP,	J. FENWICK BRENT,
W. B. SCOTT,	A. R. SPLANE,
THOMAS W. CHINN,	R. CADE,
G. LEONARD,	THOS. W. SCOTT,
B. B. BRAZEALE,	J. B. WEDERSTRANDT,
G. MAYO,	JACOB HUMBLE,
W. B. PRESCOTT,	GEO. W. PEETS,
THOS. B. SCOTT,	R. J. CHAMBLISS,
L. SAUNDERS,	ALEX. M. DUNN,
W. M. PRERCOTT,	S. W. DOWNS,
THOS. C. PORTER,	D. O'BRYAN,
ROBT. C. HYNSON,	B. MARICNY,
A. WADDILL,	JOS. WALKER,
CYRUS RATLIFF,	

Mr. Ratliff moved that the protest be spread on the minutes of This Convention, and his motion was adopted.

Mr. Kenner offered the following resolution which was read.

Resolved, That members of this Convention are not entitled to any additional mileage in consequence of the adjournment from the 24th inst, to the second Tuesday of January next.

Mr. McRae offered the following substitute to the above, which was read :

Resolved, That those who have voted for the adjournment be authorized to leave their mileage in the Treasury, and that those who have voted against it be permitted to do as they please.

Mr. Grymes moved the rejection of both the original and substitute, and Mr. Kenner moved that the question be divided, and Mr. Downs called for the yeas and nays on the substitute.

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Briant, Brumfield, Burton, Cade, Carriere, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Eustis, Garcia, Garrett, Grymes, Guion, Hudspeth, Humble, Kenner, King, Labouve, Ledoux, Legendre, Leonard, Lewis, Marigny, Mayo, Mazurean, O'Bryan, Peets, Porche, Prescott of Avoyelles, Prescott of St. Landry, Preston, Roman, Roselins, St. Amant, Sellers, Soulé, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Wikoff, Winchester and Winder voted for the rejection, 56 yeas.

Messrs. Brent, Chambliss, Downs, Dunn, Hynson, McCalop, McRae, Penn, Porter, Prudhomme, Ratliff, Read, Saunders, Scott of

Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Waddill and Waderstrandt, voted in the negative;—19 nays, consequently the substitute was rejected. Then Mr. Kenner withdrew his resolution.

ORDERS OF THE DAY.

The resolution introduced yesterday by Mr. Mayo was read.

Resolved, That the printer to this Convention be instructed by the Secretary not to include in the book to contain a Journal of the proceedings to be printed by him, any of the speeches or proceedings of the Convention relative to contested elections, nor relative to motions made and withdrawn by the mover, nor any of the speeches made relative to adjournment.

Mr. Mayo moved to amend the same by inserting in lieu of the word *proceedings* the word *debates* and the said motion was carried.

Mr. Downs moved the rejection of the above resolution, which motion prevailed.

The following resolution introduced by Mr. Cénas was read ;

Resolved, That the Secretary be authorized to appoint an assistant at his own expense, whose duty it shall be to supply his place after the adjournment on Saturday next whenever he is prevented from attending thereto from sickness or any other sufficient cause, provided however, that the Secretary shall at all times be responsible for the acts of his said assistant.

Mr. Benjamin offered to amend it by inserting after the words *Saturday next* the words and until the business left unfinished shall be completed. The amendment was accepted and the resolution adopted.

The following resolution offered by Mr. Lewis was read and adopted ;

Resolved, That it shall be the duty of the Secretary to superintend the printing of the reports of the committees, and other documents ordered to be printed during the adjournment of the Convention, and that he do transmit ten copies of said reports to each of the members of this Convention at their respective residences as soon as possible.

Mr. Sellers offered the following resolution, and the same was read.

Resolved, That a committee be appointed to consist of ——— members of this Convention to superintend the preparing and printing, the business transacted by this Convention, and not yet printed, and that said committee have power to discharge such persons as may have completed the duties assigned.

Mr. Downs moved the rejection of the above resolution. This motion was adopted.

Mr. Downs offered the following resolution which was read.

Resolved, That if within a reasonable time

after the adjournment the printer shall not have printed the reports of committees and other documents ordered to be printed that the Secretary shall be authorized to have the printing done elsewhere; and that the Secretary be required to urge upon the printer the printing as soon as possible; and immediately after the printing of a report or document that the Secretary shall forthwith transmit the same to the delegates.

Mr. Ratliff moved to strike out the *a reasonable time* and insert the words *within thirty days*. The amendment was accepted and the resolution as amended was adopted.

The foregoing resolutions offered by Mr. Brent were read.

Resolved, That it is the opinion of this Convention, by which it will be governed in contested elections, that the receiving and return of votes by a single Judge or Inspector of Elections is illegal, and that the votes thus returned will not be counted; and further, that the votes of persons holding certificates of naturalization, in due form of law, issued from the City Court of Lafayette, or any court of record—provided the said persons have the other qualifications required by the Constitution—shall be received, unless the challenging party shall prove to the satisfaction of the Inspectors of Elections that the certificates are false or fraudulent, and that the person offering to vote is not entitled to said certificate of naturalization: and it is further the opinion of the Convention, that when the Inspectors of Election are equally divided in opinion as to the reception of a vote, it cannot be received; but if the person offering to vote protests, stating in the protest the names of the candidates for whom he votes, the vote will be counted in case of a contested election, should the Convention be of opinion that he was a qualified voter: And it is further the opinion of the Convention, that in case of an equal division of opinion of the Inspectors as to a vote offered, the polls should not be closed, but the Inspectors shall proceed to receive of all qualified electors until the hour fixed by law for closing the polls.

Mr. Preston rose to address the Convention, but as it was late he moved that the Convention adjourn till to-morrow at 10 o'clock, A. M. The motion to adjourn was adopted.

FRIDAY, August 23d, 1844.

The Convention met pursuant to adjournment.

The Rev'd. Mr. Mercer opened the proceedings by prayer.

Mr. Wikoff moved that leave of absence be granted Mr. Prescott of St. Landry; the same was granted.

Mr. Kenner moved that leave of absence be granted Mr. Trisht; the same was granted.

Mr. Soule moved that leave of absence be granted Messrs. Penn and Carriere; the same was granted.

Mr. Conrad of Jefferson, a member of the committee appointed on the Legislative Department, submitted the following separate report, and the same was read:

The undersigned being unable to coincide in opinion on some points with either the majority or minority of the committee to whom was referred the 2d article of the Constitution, begs leave to present to the consideration of the Convention the following separate report, and to recommend the adoption of the following sections in lieu of the 3d., 6th., 8th. and 12th. sections of the Constitution.

Sec't. 3d. Representatives shall be chosen on the first Monday of May every two years, and the general assembly shall convene on the 3d. Monday in January every second year, unless a different day be appointed by law, and its sessions shall be held at the seat of Government.

Sec't. 6. Representation shall be equal and uniform in this state, and shall be apportioned among the parishes included within the same, and shall be forever regulated and ascertained by the number of qualified electors in said parishes. The enumeration of electors shall be made within two years, and every subsequent ten years, in such manner as the Legislature shall by law direct. The house of Representatives shall consist of not less than sixty members, nor more than eighty members. The first apportionment under this Constitution shall be made at the first session of the General Assembly that will convene under the new Constitution, and until such apportionment is made, the representation in the House of Representatives shall remain as now established by law.

Sec't. 8. In all elections for members to to the General Assembly, every free white male citizen of the United States who hath attained the age of 21 years, and who at the time of offering his vote shall have resided three consecutive years in the State, and the last one in the Parish in which he offers to vote, shall have

the right of voting. *Provided*, that any one who is a house keeper or the head of a family living in the State, shall be dispensed with one year of the foregoing term of residence within the state — and that any one who is the owner of a slave or who has paid, or is liable to pay according to the last tax list, a state tax of five dollars, and who is the owner and possessor of real estate within the state of the value of three hundred dollars according to the last tax list, shall be dispensed with two years of the foregoing term of residence within the state, — *And provided further*, that the right of suffrage shall not be exercised by any person of insane mind, or who shall have been convicted of an infamous offence. Electors shall in all cases except treason, felony and breach or surety of the peace be privileged from arrest during their attendance at, going to, or returning from elections.

Sect. 12. No person shall be a Senator who at the time of his election is not a citizen of the United States, and who hath not attained the age of twenty-seven years, resided in this State four years next preceding his election, and one year in the district for which he may be chosen, and unless he holds within the same a landed property of the value of fifteen hundred dollars agreeably to the tax list, all of which is respectfully submitted.

(Signed) F. B. CONRAD.

Mr. Taylor of Assumption, a member of the committee appointed on the Legislative department submitted the following report which was read.

The undersigned a member of the committee to whom was submitted the second article of the Constitution concerning the Legislative department, respectfully submits the following report;

The dissents from the report made by a majority of the committee.

1st. In so far as it directs that the stated or regular sessions of the general assembly shall be holden only once in two years.

2nd. In relation to the apportionment made of the representation in the house of Representatives, and with respect to the rule by which future apportionment are to be made and 3d. on the subject of the qualifications of voters.

In place of the paragraph of the article in which the provisions on these subjects are contained, he proposes the following, viz:

Sec. 3d. Representatives shall be chosen on

the first Monday of September every two years, and the General Assembly shall convene on the third Monday of January in every year unless a different day be appointed by law, and their sessions shall be holden at the seat of Government.

SEC. 6th. Representation in the House of Representatives, shall be equal and uniform in this state, and shall be apportioned among the different parishes and election districts according to the number of qualified voters therein. In the year one thousand eight hundred and forty-five, and every tenth year thereafter an enumeration of the electors shall be made in such manner as shall be directed by law, and the number of Representatives in the several years next after these enumerations shall be apportioned and affixed so as not to be less than eighty nor more than one hundred until an enumeration shall be made, the Parish of Plaquemines shall be entitled to choose *one*. The Parish of St. Bernard, with that portion of the Parish of Orleans, lying on the west bank of the Mississippi River, *one*. The first municipality of the City of New Orleans, *six*. The second municipality of the city of New-Orleans, *three*. The third municipality of New-Orleans, *four*. The parish of Jefferson, *two*. The parish of St. Charles, *one*. The parish of St. John the Baptist, *one*. The parish of St. James, *two*. The parish of Ascension, *one*. The parish of Assumption, *three*. The parish of Lafourche Interior, *three*. The parish of Terrebonne, *one*. The parish of Iberville, *two*. The parish of West Baton Rouge, *one*. The parish of East Baton Rouge, *two*. The parish of Point Coupee, *one*. The parish of West Feliciana, *two*. The parish of East Feliciana, *three*. The parish of Washington, *one*. The parish of St. Tammany, *two*. The parish of St. Helena, *one*. The parish of Livingston, *one*. The parish of Concordia, *one*. The parish of Madison, *one*. The parish of Carroll, *one*. The parish of Tensas, *one*. The parish of parish of St. Mary, *two*. The parish of St. Martin, *two*. The parish of St. Landry, *four*. The parish of Lafayette, *two*. The parish of Vermillion, *one*. The parish of Calcasieu, *one*. The parish of Avoyelles, *two*. The parish of Rapides, *three*. The parish of Natchitoches, *three*. The parish of Sabine, *one*. The parish of Caddo, *one*. The parish of DeSoto, *one*. The parish of Caldwell, *one*. The parish of Franklin, *one*. The parish of Morehouse, *one*. The parish of Claiborne, *one*. The parish of Bossier, *one*. The parish of Cata-poula, *one*. The parish of Washita, *one*, and the parish of Union, *one*.

SEC. 8.—In all elections by the people every white male citizen of the United States, who at the time being has attained to the age of twenty-one years, and resided in the State

three consecutive years next preceding the election, and the last year thereof in the parish or election district in which he offers to vote, shall enjoy the right of an election. Electors shall in all cases except treason, felony, breach or surity of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

The undersigned further proposes the following additional paragraph, and recommend that it be made a part of the article referred to, and that it do stand as Sec. 7.

At each apportionment of the representation in the House of Representatives, that part of the parish of Orleans, lying on the east bank of the Mississippi river, shall be divided into election districts in such a manner that no one district shall elicit a greater number of representatives than the largest country parish. (Signed) MILES TAYLOR.

Mr. Garrett submitted a memorial from Mr. Caleb G. Forshey on Education, and moved that same may be referred to the committee on education. This motion was adopted.

Mr. Brent offered the following resolution, which was read;

Resolved, That Messrs. J. C. Plauché and Emile LaSere be allowed the *per diem* and mileage of members to this Convention, and that warrants upon the Treasury be issued for the same accordingly.

Mr. Mayo called for the yeas and nays on the adoption of said resolution.

Messrs. Aubert, Bourg, Brazeale, Brent, Briant, Cade, Cenas, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Downs, Garcia, Humble, Kenner, King, Ledonx, Legendre, Leonard, Lewis, McRae, Marigny, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Preston, Scott of Feliciana, Soulé, Splane, Taylor of Assumption, Voorhies, Weders-trandt and Wikoff voted in the affirmative.—35 Yeas.

Messrs. Beatty, Brumfield, Burton, Chambliss, Chinn, Claiborne, Dunn, Garrett, Guion, Hudspeth, Hynson, Labouvé, McCalop, Mayo, Mazureau, Prudhomme, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Baton Rouge, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, Waddill, Winchester and Winder voted in the negative.—30 Nays. The resolution was consequently adopted.

The president submitted to the convention the following letter from the Treasurer of the State and the same was read.

TREASURY DEPARTMENT.

New Orleans, Aug. 19th, 1844.

Hon. Joseph Walker, President of the State Convention, Jackson, La.

Sir—In reply to the interrogatives propounded to the State Treasurer in the letter of the Secretary of the Convention under date of the

14th August, 1844, I have the honor to transmit to you herewith two statements, letters A & B.

Statément A conveys the information called for in the first query, so far as it relates to the taxation of 1843 in each parish. It is not in the power of the treasury department to furnish the amount of taxation of 1844, as the assessment Rolls of 1844 have with but two or three exceptions not yet come to hand; the assessors have hardly closed their labors by this time.

Statement B is in answer to the second query. The taxes assessed in each incorporated town and city except New Orleans, cannot be stated as they are not kept separate on the rolls of the country parishes.

I have the honor to be, very respectfully,

Your obedient servant,

(Signed) WM. DeBUYS, State Treasurer.

ORDER OF THE DAY.

Resolved, That it is the opinion of this Convention, by which it will be governed in contested elections, that the receiving and return of votes by a single Judge or Inspector of Elections is illegal, and that the votes thus returned will not be counted; and, further, that the votes of persons holding certificates of naturalization, in due form of law, issued from the City Court of Lafayette, or any court of record—provided the said persons have the other qualifications required by the constitution—shall be received, unless the challenging party shall prove to the satisfaction of the Inspectors of Elections that the certificates are false or fraudulent, and that the person offering to vote is not entitled to said certificate of naturalization: and it is further the opinion of the Convention, that when the Inspectors of Election are equally divided in opinion as to the reception of a vote, it cannot be received; but if the person offering to vote protests, stating in the protest the names of the candidates for whom he votes, the vote will be counted in case of a contested election, should the Convention be of opinion that he was a qualified voter. And it is further the opinion of the Convention, that in case of an equal division of opinion of the Inspectors as to a vote offered, the polls should not be closed, but the Inspectors shall proceed to receive the votes of all qualified electors until the hour fixed by law for closing the polls.

Mr. Kenner offered the following amendment which was read;

The amendment consisted in striking out all the resolution from and after the word *Resolved*, That the members of this Convention are of opinion that they can and ought to exercise no other powers than those which have been delegated to them for the purpose of re

adopting, amending or changing the Constitution of this state.

Mr. Benjamin moved to lay on the table the original resolution and amendment, and called for the yeas and nays.

Messrs. Aubert, Benjamin, Bourg, Briant; Brumfield, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Kenner, Labouve Legendre, McCalop, Mazureau, Prudhomme, Roman, Roselius, St. Amant, Sellers, Stephens, Wadsworth, Winchester and Winder voted in the affirmative.—29 Yeas.

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Cenas, Chambliss, Couvillion, Downs, Garret, Grymes, Hudspeth, Humble, Hynson, King, Ledoux, Leonard, Lewis, McRae, Marigny, Mayo, Peets, Porche, Porter, Prescott of Avoyelles, Preston, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soule, Splane, Taylor of Assumption, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt and Wikoff voted in the negative.—40 Nays, consequently the said motion was lost, and after some further debate Mr. Grymes moved that the original resolution and amendments be laid on the table, and said motion prevailed.

Mr. Preston moved that the Convention adjourn till to-morrow at 9 o'clock A. M., said motion was adopted, and the Convention adjourned till to-morrow at 9 o'clock A. M.

—
SATURDAY, August 24th, 1844.

The Convention met pursuant to adjournment. The Rev'd. Dr. Lacy opened the proceedings by prayer.

Yielding to the request contained in a resolution unanimously adopted in the course of this day's sitting, the Rev'. Doct'r. Lacey furnished the Secretary with the following copy of his opening prayer.

Thou awful and eternal God, before thee should all flesh come, and in thy presence should every living spirit bow. Thou holdest the destiny of the Universe in thine own hands, and will eventually manifest thy supremacy over all the creatures thou hast made. Thou speakest, and it is done; thou commandest, and it stands fast forever.

It is our consolation to know that thou rulest, and over-rulest all things. Amid the apparent chaos of the Universe, thou sittest upon the circle of the Heaven, and directest all events, and all circumstances to the advancement of thine own glory, and the good of the chosen ones. Thou stillest the raging of the waves, and to the angry tempest, thou sayest be still, and there is a great calm. Even amid the sorrows, afflictions and disappointments of which we are apparently the victims, it affords us comfort to know that we

are in thy hands. We, therefore, resign ourselves, and all that we have, and are, and have to be, absolutely and entirely to thy will, for time and for eternity.

Soon, in the order of thy providence, we shall separate, and peradventure, in some instances, shall separate forever. Never till the morning of the resurrection; till summoned by the trump of God to the Judgment seat, shall we all again appear in the same assembly. We go to our homes; but we are pressing to the grave. Soon shall we be numbered with the dead, and our destiny forever fixed. The thoughts, the emotions and the wishes which now excite and agitate our bosoms will become extinct, and the unchanging realities of another world will absorb our minds. Then shall we retrospect with gladness or remorse, our transactions in this assembly and every where else.

Grant Heavenly Father, that these solemn and affecting truths may deeply impress our hearts. May we separate with feelings of brotherly kindness, penitently imploring forgiveness for all our inadvertencies and follies since we have been together. Recollecting our infirmities, may we forgive one another, even as we hope to be forgiven. Possess us, we beseech thee, with that heavenly virtue which healeth all things, believeth all things, endureth all things.

Be with thy servants, we pray thee, during the recess of their official labors. Give them intense solicitation to know their duty, and firmness to perform it. Instead of relying upon untried theories, or principles of doubtful solidity, may they take experience and observation for their guide, correcting what they know to be evil, and supplying what they know to be defective. Keep them from the dark and bewildering sea of speculation, and restrain every step that is not planted on solid ground. Instead of relying on their own wisdom, or depending on their own strength, or venturing upon untried expedients, may they consult the experience of other states, the history of their own government, the actual and ascertained wants of their own people. Rich with the reflections of the coming recess may they re-assemble at the appointed time, and in the spirit of candor, of reasonable compromise, of patriotism, and of prayer, resume and consummate the duty incumbent on them, giving to the people of this state a Constitution that will be energetic, but not despotic; liberal, but not licentious; equal, but not indiscriminate; benign, but not unjust: A Constitution securing life, liberty and the pursuit of happiness, to individuals, in strict consistency with the public good.

All which we ask in the name, and through

the mediation of Jesus Choist our blessed Lord and Saviour.

The peace of God which passeth all understanding, keep your hearts and minds in the knowledge and love of God, and of his Son Jesus Christ our Lord; and the blessing of God Almighty, the Father, the Son and the Holy Ghost, be amongst you, and remain with you always. Amen.

Mr. Voorhies moved that leave of absence be granted Messrs. Mayo and Garrett, the same was granted. Mr. Downs moved that leave of absence be granted Messrs. Humble and Chambliss, the same was granted.

Mr. Lewis offered the following resolution which was read;

Resolved, That the President request the Rev'd. Dr. Lacey to furnish a copy of the prayer offered up by him this morning at the opening of the Convention, to be spread upon the Journal.

Mr. Claiborne offered the following substitute to the above resolution, which was read and adopted;

Resolved, That the thanks of this Convention be, and they are hereby tendered to the Rev'd. Messrs. Lacey, Mercer, Hagaman, Smith and Chamberlain, for having so kindly and so fervantly officiated in their holy ministry to call forth each morning the care and the protection of Providence upon the deliberations of this body.

Resolved further, That the Rev'd. Dr. Lacey be hereby respectfully requested to furnish to the Secretary a copy of his farewell prayer delivered this morning, in order that the same may be spread upon the Records of this Convention.

Mr. Benjamin offered the following resolution which was read and adopted.

Resolved, That the committee on contingent expenses be authorized to advance to the Secretary of this Convention the amount of his *per diem* for thirty days for services to be rendered by him after the adjournment on this day.

Resolved, That the same committee be further authorized to advance the *per diem* for fifteen days to Messrs. Kerr and Foulhouse, reporters Louvet and Nadaud, Clerk and Translator for services to be rendered by them after the adjournment on this day,—and it is further resolved, that the same committee be authorized to advance the *per diem* for five days to Mr. Exnicios for services to be rendered by him after the adjournment on this day.

Mr. Winder offered the following resolution which was read and unanimously adopted.

Resolved, That the thanks of this Convention are due and hereby tendered to the Honorable Joseph Walker for the able, dignified and impartial manner with which he has dis-

charged the high and responsible duties devolving on him as president of this body.

Mr. Winder offered the following resolution which was read and unanimously adopted.

Resolved, That the thanks of this Convention are tendered to Horatio Davis, Esq'r. for the correct and faithful discharge of the important and delicate duties of Secretary to this Convention.

Mr. Kink offered the following resolution which was read;

Resolved, That the Treasurer of the State of Louisiana be authorized to pay J. A. Kelly the editor of the Louisiana Reporter upon his own warrant five hundred dollars on account of his services rendered, or to be rendered as printer for this Convention.

Mr. Downs offered the following proviso, which was read;

Provided this be received by the printer in full discharge for all services rendered or to be rendered until the reassembling of this Convention.

Mr. Kenner offered the following amendment to the above proviso, which was read;

Although there be no evidence before the Convention that the amount to which he is entitled is greater or smaller than the sum aforesaid. Mr. Slows accepted of the amendment.

Mr. Benjamin moved the previous question, and called for the yeas and nays.

Messrs. Aubert, Beatty, Benjamin, Boudousquié, Briant, Brumfield, Barton, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Dunn, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, McCalop, Marigny, Mazureau, Preston, Roman, Roselius, St. Amant, Saunders, Scott of Madison, Sellers, Taylor of Assumption, Winchester, and Winder, voted in the affirmative.—34 Yeas.

Messrs. Bourg, Brazeale, Brent, Cade, Couvillion, Culbertson, Downs, Hynson McRae, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Batton Rough, Scott of Feliciana, Soule, Splane, Voorhies, Waddill, Wadsworth, Wederstrandt and Wikoff voted in the negative.—25 Nays, consequently the motion was adopted.

Mr. King moved the adoption of the original, resolution, and Mr. Downs called for the yeas and nays;

Messrs. Aubert Beatty, Benjamin, Boudousquié, Bourg, Brazeale, Briant, Brumfield, Burton, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Dunn, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, McCalop, Marigny, Mazureau, Rutliff, Read, Roman, Roselius, St. Amant, Saunders, Scott of Madison, Taylor of St. Landry, Wederstrandt and Winder voted in the affirmative.—38 Yeas.

Messrs. Brent, Cade, Couvillon, Culbertson, Downs, Hynson, Leonard, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soule, Splane, Voorhies, Waddle, Wadsworth, Wikoff and Winchester voted in the negative.—24 Nays, consequently the resolution was adopted.

Mr. Ratliff chairman of the committee on contingent expenses for the Convention submitted the amount of contingent expenses, and offered the following resolution, which was read.

Resolved, That the Treasurer of the State of Louisiana be authorised to pay the foregoing accounts, amounting to the sum of three hundred and eighty dollars and forty-one cents, upon presentation to him of the accompanying vouchers, to the persons therein named of their authorised agents.

Mr. Splane seconded by Mr. Leonard moved the rejection of the items in said account, relating to the post master, and said motion was lost.

Mr. Guion then moved the adoption of the original resolution and his motion prevailed.

On motion of Mr. Taylor of Assumption the Convention adjourned pursuant to the resolutions adopted on the 20th and 22d inst.

NEW ORLEANS, TUESDAY, JAN. 14, 1845,

Pursuant to adjournment the Convention of the State of Louisiana, elected for the purpose of amending, altering and changing the Constitution of the State of Louisiana, met at the St. Louis Hall, in the city of New Orleans.

The President, the Hon. Jos. E. WALKER, called the Convention to order.

The Roll being called, it appeared that Messrs. Brumfield, Boudousquié, Briant, Derbes, Hynson, Labauve, M'Rae, O'Bryan, Porter, Soule, Scott of Madison, Splane, Taylor of Assumption, Taylor of St. Landry, Wikoff, were absent.

The President submitted to the Convention that a Resolution had been adopted at Jackson, on the 8th of August, 1844 last past, authorising the President to invite the Clergymen in and about Jackson, to open in turn the sittings of the Convention, and inquire whether it was the will of the Convention that the Resolution should apply to New Orleans.

Whereupon, Mr. Lewis offered the following Resolution, which was unanimously adopted:

Resolved, That the President be authorised "to invite each of the Divines in and about the city of New Orleans, to daily open in turn the deliberations of this Convention."

Mr. MARIGNY, Chairman of the Committee, appointed by the Convention, sitting at Jackson, for the purpose of making the necessary arrangements for the meeting of the Conven-

tion in the city of New Orleans, submitted the following Report:

Your committee first applied to the Hon. the House of Representatives for the purpose of procuring the Hall of their sittings, for the use of the Convention, the House having refused to grant it, your committee then were under the necessity of seeking some other suitable place and to provide the necessary furniture to enable the Convention to resume their labors. The accounts for the furniture will be presented to you in a few days, and will amount to about one thousand dollars.

Your committee applied to Mrs. Hawley, the lessee of the St. Louis ball room, with whom they made the following arrangements, subject to your approval.—Mrs. Hawley furnishes the ball room and five rooms, destined for the use of the committees and clerks of the Convention. The principal room to be used by the Convention during its sittings, unless after the adjournment of the Legislature the Convention should prefer the Hall of the House of Representatives.

Your Committee have agreed to allow Mrs. Hawley fifteen dollars per day for the use of the said hall and rooms.

Your Committee are under the impression that this room, in every respect is suitable for the meetings of the Convention. They would observe that Mrs. Hawley reserves to herself, the privilege of retaining the Room on the 17th, 24th and 31st of January, and on the 4th of February, for the purpose of giving Society Balls, and will require it on those days at 4 o'clock, P. M.

Your committee deem it likewise proper to state, for your information, that the city Council of the first Municipality design to place chains across the corners of Royal, Chartres and St. Louis streets, during the sittings of the Convention, so that their deliberations may not be disturbed by the running of carriages and other vehicles.

(Signed) B. MARIGNY, Chairman.
C. ROSELIUS,
G. LEONARD.

Mr. Winchester offered the following Resolution:

Resolved, That this Report be referred to "a special committee of five members, with instruction to take this Report into consideration and report thereon, and with the further authority to inquire whether another and more appropriate room for the sittings of the Convention, cannot be obtained in the city."

Mr. Kenner moved, that the whole be laid on the table, subject to the call of the Convention on Thursday next—which motion was lost.

The question was then put on the adoption of the resolution, to refer the report of the Committee to a special committee.

The question was lost.

The question was then put on the adoption of the Report; which was carried.

On motion of Mr. Garcia, leave of absence was granted Mr. Soulé, who was absent on account of illness.

Mr. Leonard moved, that seats be prepared for the Hon. the members of the Legislature, and for other persons invited by the President, to attend the deliberations of the Convention—said motion was lost.

Mr. Lewis moved, that the newly elected members of New Orleans take their seats, and their credentials be referred to the Committee on elections—and the same was adopted.

Mr. Conrad, of Orleans, submitted the following resolution:

“Resolved, That the Secretary be directed to cause the various reports and counter reports, made by the Committees of the Convention, to be printed in such form as will admit of amendments being written thereon.”

Mr. Downs offered the following amendment, to the above resolution, and the same was adopted.

“And that the Secretary be directed to cause the same to be printed without delay, by the Printer of the Convention, and in default of his ability to do so immediately, the Secretary shall employ another printer to do the same.”

On motion of Mr. Grymes, it was ordered that the Convention proceed to the consideration of the first article of the Constitution, as reported by the Committee appointed on that article.

The Convention formed itself into a Committee of the Whole, on the first article of the Constitution.

Mr. LEONARD in the Chair.

The first section of the first article of the Constitution, as reported by the Committee, was read; after some time, the Committee rose, and Mr. Leonard, the chairman, reported progress.

On motion, the Convention adjourned until to-morrow, at 11 o'clock, A. M.

—
WEDNESDAY, January 15, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. SCOTT opened the proceedings by prayer.

Mr. RATLIFF, Chairman of the committee on contingent expenses, offered the following resolution:

“Resolved, That the committee on contingent expenses be instructed to inquire into and ascertain the amount of mileage due to each member of this Board for his travelling to, and returning home, from the Convention in New Orleans, and direct the payment of the same.”

Mr. BEATTY offered to the above resolution, the following amendment:

“And that the committee report to the Convention.”

Mr. GUION moved that the whole be laid on the table, and the yeas and nays were called for, and

Messrs. Aubert, Beatty, Bourg, Brent, Burton, Benjamin, Brumfield, Cade, Carriere, Cenas, Chambliss, Claiborne, Conrad of New Orleans, Couvillon, Downs, Eustis, Garrett, Grymes, Guion, Hudspeth, Humble, Kenner, King, Ledoux, Legendre, Lewis, Marigny, Mayo, Mazureau, Peets, Penn, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Sellers, Trist, Voorhies, Waddle and Winder, voted in the affirmative.—44 yeas.

And Messrs. Chinn, Dunn, Leonard, M'Callop, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Stephens and Wederstrandt, voted in the negative.—11 nays.

Consequently the motion was carried.

Mr. WINDER asked leave of absence for Mr. Taylor of Assumption, on account of severe domestic afflictions in his family; the same was granted.

Mr. DOWNS moved that a committee of five be appointed to revise and draft rules for the government of the Convention, and the same was adopted.

The President appointed on said committee, Messrs. Roman, Eustis, Mayo, Lewis and Read.

The President announced to the Convention the resignation of Mr. L. Exnicios, as door-keeper to the Convention.

Mr. GRYMES moved that the President be authorised to appoint the door-keeper, which motion was lost.

Mr. DOWNS moved for the reconsideration of the report of the committee appointed by the Convention, at Jackson, for the purpose of making the necessary arrangements for the meeting of the Convention at New Orleans, adopted yesterday, which motion prevailed.

Mr. DOWNS then moved that the report of the said committee be laid on the table, subject to the call of the Convention, which motion was adopted.

Mr. LEWIS moved that the Convention proceed to the election of a door-keeper, and the same was carried.

Mr. RATLIFF nominated Mr. Eugene Remondet.

Mr. CULBERTSON nominated Mr. G. W. Reinecke.

Mr. PENN nominated Mr. J. K. Miles.

Mr. BOUDOUSQUIE nominated Mr. Faure.

Mr. GARCIA nominated Mr. Jos. Chevalier.

The Convention then proceeded to the election of door keeper, sixty-three members present.

On motion of Mr. WEDERSTRANDT to appoint tellers, the President appointed Messrs. Dunn and Culbertson.

On counting the votes it appeared that

Mr. E. Remondet obtained	34	votes.
" G. W. Reinecke	6	"
" J. K. Miles	4	"
" Faure	8	"
" Hickey	1	"
" Blank	2	"
—	63	votes.

Mr. REMONDET having obtained thirty-four votes, the President proclaimed him duly elected door-keeper to the Convention.

Mr. MAYO moved that the reporters of the news papers of the city of New Orleans be admitted in the Hall of the Convention during its sittings, which motion was adopted.

ORDER OF THE DAY.

The Convention then proceeded to the order of the day, viz: The report of the committee on the first article of the Constitution.

CONSTITUTION OF LOUISIANA.

ARTICLE 1st.

"SEC. 1. That the powers of the government of the State of Louisiana, shall be divided into three distinct departments, and each of them to be confined to a separate body of magistracy, to wit: those which are Legislative to one, those which are Executive to another, and those which are Judiciary to another."

Mr. LEWIS moved to strike out after the words distinct departments, the word *and*.

Mr. PRESTON moved that the first article of the Constitution of 1812, be substituted for the one reported by the committee.

Mr. DOWNS moved for a division, that is, that the sections composing said article be divided, and said motion prevailed.

SEC. 1st. The powers of the government of the State of Louisiana, shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, viz: Those which are Legislative to one, those which are Executive to another, and those which are Judiciary to another.

Mr. PRESTON moved for the adoption of the first section of article first, of the Constitution of 1812. Which motion was carried.

Mr. LEWIS moved to adopt the second section of article first, as reported by the committee, viz:

"SEC. 2. No person or collection of persons holding office under those departments, shall exercise any power properly belonging to either of the others; except in instances hereafter expressly directed or permitted."

Mr. GUION offered to the same the following amendment: "No person or persons being one of these departments, or holding office under

"one of them, shall exercise any powers properly," and Mr. DOWNS called for the yeas and nays, which resulted as follows:

Messrs. Auburt, Beatty, Benjamin, Boudousquie, Bourg, Brumfield, Burton, Chinn, Conrad of Orleans, Conrad of Jefferson, Culbertson, Dunn, Garcia, Garrett, Guion, Huds-peth, Kenner, King, Legendre, Lewis, Mazureau, Porche, Preston, Prudhomme, Pugh, Roman, St. Amand, Saunders, Scott of Feliciana, Stephens, Trist, Voorhies, Winchester and Winder voted in the affirmative—34 yeas.

Messrs. Brazeale, Brent, Cade, Carrier, Cénas, Claiborne, Couvillon, Downs, Eustis, Humble, Ledoux, Leonard, McCalop, Marigny, Mayo, Peets, Penn, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Read, Scott of Baton Rouge, Sellers, Waddle and Wederstrandt voted in the negative, 25 nays, consequently the motion was carried.

Mr. DOWNS moved to insert the word *hereinafter* instead of *hereafter*, and the same was adopted.

Mr. PRESTON moved that the committee appointed to reverse and draft Rules for the Convention, be requested to report to-morrow morning.

On motion, the Convention adjourned to to-morrow at 11 o'clock, A. M.

THURSDAY, January 16, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CKAPP opened the proceedings by prayer.

Mr. ROMAN of the committee to whom had been referred the revising and drafting rules for the government of the Convention, reported that the committee recommended to the Convention, the adoption of the forty-two first rules that had been temporarily adopted by the Convention at Jackson, and submitted to the consideration of the Convention some additional rules.

On motion of Mr. DOWNS, it was ordered that the forty-two rules temporarily adopted, be read, and that the Convention act on each of them separately.

The rules which were as follows, were read:

Touching the duty of the President.

1. He shall take the Chair every day at the hour to which the Convention shall have adjourned on the preceding day; shall immediately call the members to order; and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to the members, rising from his seat for the purpose; and shall decide questions of order, subject to an appeal to the Convention, by any two members, on which appeal no member shall speak more than once unless by leave of the Convention.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many of you as are of opinion that," (as the question may be,) 'say aye;' and after the affirmative voice is expressed,— "as many of you as are of a contrary opinion, say no." If the President doubts, or if a division be called for, the Convention shall divide; those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. The President shall then rise and state the division of the Convention.

5. All committees shall be appointed by the President, unless otherwise specially directed by the Convention; in which case they shall be appointed by a viva voce vote of the Convention, and if upon such vote the number required shall not be elected by a majority of the vote given, the Convention shall proceed to vote until a majority be obtained.

6. The President shall have the right to examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

7. In all cases of ballot or viva voce vote, by the Convention, the President shall vote; in other cases he shall not vote, unless the Convention be equally divided, or unless his vote, if given to the minority, will make a division equal; and in case of such equal division, the question shall be lost.

8. In case of any disturbance or disorderly conduct in the gallery or lobby, the President, (or Chairman of the Committee of the Whole Convention,) shall have power to order the same to be cleared.

9. No person shall be admitted within the bar but the members of the Convention, officers of the General or State Government, and such other persons as the President may think proper to invite to a seat in the Convention.

Of Decorum and Debate.

10. When any member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat, and respectfully address himself to the President.

11. If any member in speaking or otherwise, transgress the rules of the Convention, the President shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the Convention shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Convention.

12. When two or more members happen to rise at once, the President shall name the person who is first to speak.

13. No member shall speak more than twice on the same question, without leave of the Convention, nor more than once, until every member choosing to speak, shall have spoken.

14. Whilst the President is putting any question, or addressing the Convention, none shall walk out of or across the hall; nor, in such case, or when a member is speaking, shall entertain private discourse, nor whilst a member is speaking, shall pass between him and the Chair.

15. No member shall vote on any question, in the event of which he is immediately and particularly interested; or in any other case, when he is not present when the question was put, without the leave of the Convention.

16. Upon a division and count of the Convention on any question, no member without the bar shall be counted.

17. Every member who shall be in the Convention when a question is put, shall give his vote, unless the Convention, for special reasons, shall excuse him.

18. When a motion is made and seconded, it shall be stated by the President, or, being in writing, it shall be handed to the Chair, and read aloud by the Secretary, before debated.

19. Every motion shall be reduced to writing, if the President or any member desire it.

20. After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Convention, but may be withdrawn at any time before a decision or amendment.

21. When a question is under debate, no motion shall be received, but to adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the proposition.

Rule 22. "A motion to adjourn shall always be in order; that and the motion to lay on the table, shall be decided without debate."

Mr. Downs moved to amend it by striking out the words "*that and the motion to lay on the table.*" His motion was carried by the casting vote of the President.

The Rule as amended, viz: "A motion to adjourn shall always be in order, and shall be decided without debate," was adopted.

23. All questions except those enumerated in rule 21st, shall be put in the order they are moved, except that in filling up blanks, the largest sum and the largest time shall be first put.

24. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and until it is decided, shall preclude all amendments and further debate of the main question, and must be decided without debate.

25. When the Convention adjourns, every member shall keep his seat, until the President passes the last seat on his way out of the Convention.

26. Any member may call for the division of the question; when the sense will admit of it.

27. A motion for commitment, till it is decided shall preclude all amendment of the main question.

28. Motions and Reports may be committed at the pleasure of the Convention.

29. No new motion or proposition on a subject, different from that under consideration, shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate.

30. When a motion has once been made, or carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; Provided, it is made on the same day or the next sitting day, before the order of the day is taken up. *Provided further*, that this rule do not apply to the provision of the Constitution which may have been adopted and which shall always be subject to reconsideration after two day's notice being given thereof.

31. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Convention.

32. The unfinished business in which the Convention was engaged, at the time of the last adjournment, shall have the preference in the orders of the day; and no motion, or any other business, shall be received without special leave of the Convention, until the former is disposed of.

33. In all other cases of ballot a majority of the votes given shall be necessary to an election, and where there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained.

34. In all cases when others than members of the Convention may be eligible, there shall be a previous nomination.

35. Any five members, including the President; shall be authorised to compel the attendance of absent members.

36. Upon calls of the Convention, or in taking the yeas and nays in any question, the names of the members shall be called alphabetically.

37. Any member may excuse himself from serving on any committee at the time of his

appointment, if he is then a member of other committees.

Rule 38. "No member shall absent himself from the service of the Convention, unless he have leave, or be sick and unable to attend."

Mr. LEONARD moved to amend this rule by striking out the words *he have leave*; the amendment was lost and the rule adopted.

38. No member shall absent himself from the service of the Convention, unless he have leave, or be sick and unable to attend.

39. In order to insure the punctual attendance of the members, a call shall take place at the commencement of every day's sitting, by the Secretary, who shall note the absentees; but shall remove the notes from the names of such members as appear in the course of that day's sittings; the names of those who do not attend, shall be entered on the Journal, and they shall receive no salary for that day, unless excused by the Convention.

40. A Sergeant-at-arms shall be appointed to hold his office during the pleasure of the Convention, whose duty it shall be to attend the Convention during its sittings; to execute the commands of the Convention from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President.

41. There shall be a committee of elections, whose duty it shall be to examine and report upon the certificate of election or other credentials of the members returned to serve in this Convention, and to take into consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come in question, and be referred to them by the Convention; and on any other matter in relation to the manner, times and places of holding elections.

42. No Committee shall sit during the sitting of the Convention, without special leave.

43. No standing rule or order of the Convention shall be received without one day's notice being given of the motion thereof.

44. The Secretary of the Convention shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities; and shall be deemed to continue in office until another be appointed. He shall enter on the Journals all motions on which a vote of the Convention shall have been taken.

45. The Secretary shall not suffer any records or papers to be taken from the table, or out of his custody, by any member, or other person.

46. No standing rule or order of the Convention shall in any case be suspended or dispensed with, without the concurrence of four-fifths of the members present.

Rule 50. "It shall be a standing order, that the Convention shall every day resolve itself into a committee of the whole, to consider the existing Constitution, and such propositions for the amendment or alteration thereof, as shall be referred to or made in said committee."

On motion of Mr. Ratliff the said rule was rejected.

Mr. CONRAD moved for the reconsideration of the 30th rule, and his motion prevailed.

Rule 30. "When a motion has once been made, or carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, provided it is made on the same day, or the next sitting day before the order of the day is taken up.

On motion of Mr. CONRAD, this rule was amended by the addition of the following proviso, viz: "provided further, that this rule do not apply to the provision of the Constitution which may have been adopted, and which shall always be subject to reconsideration, after two days notice being given thereof," which motion was granted, and the rule adopted as amended.

On motion of Mr. RATLIFF, the Convention reconsidered the 35th rule and rejected it.

Rule 51. "In forming the Committee of the Whole, the President shall leave the Chair, and a chairman to preside in the committee shall be appointed by the President;" which rule was rejected.

Rule 52. "In the committee of the whole Convention, the ayes and nays shall not be called." This rule was rejected.

Rule 47. "Every member in addressing the Convention, shall confine himself strictly to the subject matter under debate, and the address of no member to the Convention shall exceed one hour, unless by special permission of the Convention."

On motion of Mr. LEWIS the rule was amended by striking out the words "*and the address of no member to the Convention shall exceed one hour, &c.*;" and the rule as amended, viz:

"Every member in addressing the Convention, shall confine himself strictly to the subject matter under debate;" was adopted.

Mr. Roman's additional article, viz:

Rule 48. "There shall be appointed a standing committee of five, whose duty it shall be to revise, in English and French, every article of the Constitution, after its adoption by the Convention, and report the same to the Convention on the next day, or as soon thereafter as is practicable for its second reading"—Was read and adopted.

Rule 49. "In all cases to which the above rules will not apply, the Jefferson's Manual shall govern the Convention." The same was adopted.

Mr. DOWNS moved that the rules be printed in pamphlet form, in the French and English languages, and that one hundred copies be printed in each of the languages, which motion prevailed.

Mr. DOWNS moved to incorporate among the rules the following, viz: "The documents ordered to be printed by the Convention and the debates of the Convention, in pamphlet forms, shall be printed on paper of the same size of the printed journals of this Convention, and a copy sheet be bound with each journal, to be furnished to the members of the Convention, at the end of the session, and it shall be the duty of the Printer of the Convention, to print one hundred additional copies ordered to be printed for the above purpose."

Mr. LEWIS moved to lay the same on the table subject to the call of the Convention; his motion prevailed.

Mr. SELLERS moved, that the statistical information called for by the Convention, and furnished by the reports of the State Treasurer, be printed as speedily as possible.

Mr. WADSWORTH moved that a committee be appointed to examine the reports, containing this statistical information before printing: which motion was lost.

Mr. SELLER's motion was then adopted.

ORDER OF THE DAY.

ARTICLE I.

SEC. 2. "No person or persons being one of these departments or holding office under one of them, shall exercise any powers, properly belonging to either of the others; except in the cases hereinafter expressly directed or permitted," was read and adopted.

Mr. LEWIS moved to take up the second article of the Constitution, and that the sections, of the Constitution of 1812 be first read, and then the sections as reported by the committee.

ARTICLE II. OF THE CONSTITUTION OF 1812.

SEC. 1. "The Legislative power of this State shall be vested in two distinct branches, the one to be styled the House of Representatives, the other the Senate, and both together the General Assembly of the State of Louisiana," was read.

Mr. RATLIFF moved the re-adoption of this section of the Constitution of 1812, and his motion prevailed,

ARTICLE II. AS REPORTED BY THE COMMITTEE.

SEC. 1. "The legislative power of this State shall be vested in two distinct branches, the one to be styled the House of Representatives the other the Senate, and both together the General Assembly of the State of Louisiana," was read.

ARTICLE II. OF THE CONSTITUTION OF 1812.

SEC. 2. "The members of the House of Representatives shall continue in service for the term of two years from the day of the commencement of the general election," was read.

ARTICLE II. AS REPORTED BY THE COMMITTEE

SEC. 2. "The members of the House of Representatives shall continue in service for the term of two years, from the day of the closing of the general elections," was read and adopted.

ARTICLE II. OF THE CONSTITUTION OF 1812.

SEC. 3. "Representatives shall be chosen on the first Monday in July, every two years, and the General Assembly shall convene on the first Monday in January in every year, unless a different day be appointed by law and their sessions shall be held at the seat of Government," was read.

ARTICLE II. AS REPORTED BY THE COMMITTEE.

SEC. 3. "Representatives shall be chosen on the first Monday, one day only, in September every two years, and the General Assembly shall convene on the third Monday in January in every second year, unless a different day be appointed by law, and their different sessions shall be held at the seat of Government."

"The first election under this Constitution shall take place in the year ———," was read.

Mr. WINDER moved to strike out the word "September," and insert in lieu thereof the word "June."

Mr. SELLERS moved to amend the amendment by striking out the name of the month and leaving it in blank.

While this motion was under debate, the Convention adjourned to to-morrow at 11 o'clock A. M.

FRIDAY, JANUARY 17, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings by prayer.

The PRESIDENT submitted the following letter from the Right Rev. Blanc, Bishop of New Orleans:

NEW ORLEANS, January 15, 1845.

Bishopric of New Orleans:

Sir—I have the honor to acknowledge the reception of your note of this date.

In answer, I beg leave to state, that as soon as I was informed that the Convention of our State had assembled in the town of Jackson, I instructed the clergy and laity under my charge

to offer up public prayers, that the Almighty might in his goodness, vouchsafe to direct the deliberations of the Convention, so that their decisions might be profitable to the people in whose behalf they were assembled, and that these prayers should be continued daily during the entire session of the Convention.

In relation to the daily opening prayer, I would beg leave, respectfully, to request in the name of my clergy, that we be dispensed from attending to it. Any arrangements which the Divines, who may have begun, will make between themselves, will be agreeable to us. I have the honor to be very respectfully, your very obedient servant.

ANT. BP. OF NEW ORLEANS.

To the Hon. E. Joseph Walker, President of the State Convention of Louisiana.

Mr. RATLIFF chairman of the committee on contingent expenses, moved that the sum of \$100 be allowed Mr. Kelly, printer to the Convention, for furnishing one hundred pamphlets, and \$50 for printing blank warrants for the Convention, and the same was allowed.

Mr. DOWNS offered the following resolution, viz:

"Resolved, That the sergeant-at-arms, under the direction of the President of the Convention, be directed to provide seats in the lobby, for the use of such persons as may attend the proceedings of the Convention, and suitable seats and tables for the reporters of the several newspapers of the city." The same was adopted.

ORDER OF THE DAY.

ARTICLE 2D, AS REPORTED BY THE COMMITTEE.

SEC. 3. "Representatives shall be chosen on the first Monday, one day only, in September, every two years, and the General Assembly shall convene on the third Monday in January, in every second year, unless a different day be appointed by law, and their different sessions shall be held at the seat of government.

On the adjournment, yesterday, the Convention had under consideration the motion to strike out the word *September*.

Mr. TAYLOR of Assumption moved to lay on the table, subject to call, the motion to strike out.

His motion was lost.

Mr. RATLIFF called for the yeas and nays, on motion to strike out, and

Messrs. Aubert, Benjamin, Boudousquie, Brent, Briant, Burton, Cénas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Humble, Kenner, King, Labauve, Ledoux, Legendre,

Lewis, Mayo, Mazureau, Penn, Prescott of Avoyelles, Prescott of St. Landry, Preston, Pugh, Ratliff, Roman, Roselius, St. Amant, Saunders, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Wadsworth, Winchester and Winder voted in the affirmative—48 yeas, and

Messrs. Beatty, Bourg, Brazeale, Brumfield, Cade, Carriere, Couvillon, Leonard, McCallop, McRae, Marigny, Peets, Porche, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Voorhies, Waddle and Wederstrandt voted in the negative—20 nays; consequently the motion was carried.

Mr. WINDER moved to fill the blank with the word *June*, and the yeas and nays being called for, resulted as follows:

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mazureau, Pugh, Roman, Roselius, St. Amant, Saunders, Winchester and Winder voted in the affirmative—28 yeas, and

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Couvillon, Downs, Eustis, Garcia, Garrett, Humble, Leonard, McCallop, McRea, Marigny, Mayo, Peets, Penn, Porchè, Prescott of Avoyelle, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Splane, Stevens, Taylor of Assumption, Trist, Voorhies, Waddle, Wadsworth and Wederstrandt voted in the negative—40 nays, consequently the motion was lost.

Mr. McREA moved to fill the blank with the word *October*, and the yeas and nays being called for, resulted as follows:

Messrs. Beatty, Brazeale, Brent, Brumfield, Cade, Carriere, Chambliss, Couvillon, Downs, Humble, Leonard, McCallop, McRea, Marigny, Mayo, Peets, Penn, Porche, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Voorhies and Wederstrandt voted in the affirmative—26 yeas, and

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Burton, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mazureau, Preston, Pugh, Ratliff, Roman, Roselius, St. Amant, Saunders, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Waddle, Wadsworth, Winchester and Winder voted in the negative—42 nays; the motion was lost.

On motion of Mr. BURTON, to fill up the blank with the word *November*, the yeas and nays being called resulted as follows:

Messrs. Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Couvillon, Downs, Garrett, Humble, Leonard, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudham, Pugh, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Voorhies, Waddle, Wederstrandt and Winder voted in the affirmative—33 yeas, and

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mazureau, Ratliff, Roman, Roselius, St. Amant, Splane, Trist, Wadsworth and Winchester voted in the negative—34 nays; the motion was therefore lost.

Mr. McREA moved that the Convention adjourn till to-morrow at 11 o'clock, A. M., and the yeas and nays being called for,

Messrs. Brazeale, Brent, Briant, Brumfield, Carriere, Chambliss, Couvillon, Downs, Dunn, Hudspeth, Humble, King, Labauve, Leonard, McRae, Marigny, Mayo, Peets, Porche, Prescott of Avoyelles, Prescott of St. Landry, Scott of Baton Rouge, Scott of Feliciana, Stephens and Waddle, voted for the motion, 25 yeas, and

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Burton, Cade, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Eustis, Garcia, Garrett, Grymes, Guion, Kenner, Ledoux, Legendre, Lewis, McCallop, Mazureau, Penn, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amant, Saunders, Sellers, Splane, Taylor of Assumption, Trist, Wadsworth, Wederstrandt, Winchester and Winder voted against the motion—43 nays; the same was lost.

Mr. GARRETT moved to fill up the blank with the words the *fourth Monday of November*.

The President decided this motion to be out of order, because the blank was to be filled by the name of the month only, the section containing already the particular Monday of the month; and Mr. Garrett proposed to appeal from the decision of the Chair.

Mr. EUSTIS moved to fill up the blank with the word *July*, and before putting the question, on motion of Mr. Chinn, the Convention adjourn till to-morrow, at 11 o'clock, A. M.

NOTE.—Members absent, Messrs. Hynson, O'Bryan, Porter, Scott of Madison, Soulé on leave, Taylor of St. Landry and Wikoff.

JOURNAL

OF THE

PROCEEDINGS OF THE CONVENTION

OF THE

STATE OF LOUISIANA,

Constitutional convention, 1845

BEGUN AND HELD

IN THE CITY OF NEW ORLEANS,

On the 14th day of January, 1845.



PUBLISHED BY AUTHORITY.

NEW ORLEANS:

BESANÇON, FERGUSON & CO.

PRINTERS TO THE CONVENTION.

.....
1845.

JOURNAL

OF THE

STATE OF NEW YORK

FOR THE YEAR 1871



ALBANY:

1871.

PRINTED BY

JOHN W. BAKER,

ALBANY.

JOURNAL.

TUESDAY, January, 14, 1845.

Pursuant to adjournment the Convention of the State of Louisiana, elected for the purpose of amending, altering and changing the Constitution of the State of Louisiana, met at the St. Louis Hall, in the city of New Orleans.

The President, the Hon. J. E. WALKER, called the Convention to order.

The roll being called, it appeared that Messrs. Brumfield, Boudousquie, Briant, Derbes, Hynson, Labauve, M'Rae, O'Bryan, Porter, Soule, Scott of Madison, Splane, Taylor of Assumption, Taylor of St. Landry, Wikoff, were absent.

The President submitted to the Convention that a resolution had been adopted at Jackson, on the 8th of August, 1844, last past, authorising the president to invite the clergymen in and about Jackson, to open in turn the sittings of the Convention, and inquire whether it was the will of the Convention that the resolution should apply to New Orleans.

Whereupon, Mr. LEWIS offered the following resolution, which was unanimously adopted:

“Resolved, That the president be authorized to invite each of the divines in and about the city of New Orleans, to daily open in turn the deliberations of this Convention.”

Mr. MARIGNY, chairman of the committee, appointed by the Convention, sitting at Jackson, for the purpose of making the necessary arrangements for the meeting of the Convention in the city of New Orleans, submitted the following report:

Your committee first applied to the honorable the house of representatives for the purpose of procuring the hall of their sittings, for the use of the Convention; the house having refused to grant it, your committee were then under the necessity of seeking some other suitable place, and

to provide the necessary furniture to enable the Convention to resume their labors. The account for the furniture will be presented to you in a few days, and will amount to about one thousand dollars.

Your committee applied to Mrs. Hawley, the lessee of the St. Louis ball room, with whom they made the following arrangements, subject to your approval; Mrs. Hawley furnishes the ball room and five rooms, destined for the use of the committees and clerks of the Convention. The principal room to be used by the Convention during its sittings, unless after the adjournment of the legislature the Convention should prefer the hall of the house of representatives.

Your committee have agreed to allow Mrs. Hawley fifteen dollars per day for the use of the said hall and rooms.

Your committee are under the impression that this room in every respect is suitable for the meetings of the Convention. They would observe that Mrs. Hawley reserves to herself the privilege of retaining the room on the 17th, 24th and 31st of January, and on the 4th of February, for the purpose of giving Society Balls, and will require it on those days at 4 o'clock, P. M.

Your committee deem it likewise proper to state for your information, that the City Council, of the First Municipality, design to place chains across the corners of Royal, Chartres and St. Louis streets, during the sittings of the Convention, so that their deliberations may not be disturbed by the running of carriages and other vehicles.

(Signed). B. MARIGNY, Chairman.
C. ROSELIUS,
G. LEONARD.

Mr. WINCHESTER offered the following resolution:

“Resolved, That this report be referred to a special committee of five members, with instruction to take this report into

“consideration and report thereon, and with the further authority to inquire whether another and more appropriate room for the sittings of the Convention, cannot be obtained in the city.”

Mr. KENNER moved that the whole be laid on the table, subject to the call of the Convention on Thursday next—which motion was lost.

The question was then put on the adoption of the resolution, to refer the report of the committee to a special committee.

The question was lost.

The question was then put on the adoption of the report; which was carried.

On motion of Mr. GARCIA, leave of absence was granted Mr. Soulé, who was absent on account of illness.

Mr. LEONARD moved that seats be prepared for the honorable the members of the legislature, and for other persons invited by the president, to attend the deliberations of the Convention—said motion was lost.

Mr. LEWIS moved that the newly elected members of New Orleans take their seats, and their credentials be referred to the committee on elections—and the same was adopted.

Mr. CONRAD, of New Orleans, submitted the following resolution:

“Resolved, That the secretary be directed to cause the various reports and counter reports made by the committees of the Convention to be printed in such form as will admit of amendments to be printed therein.”

Mr. DOWNS offered the following amendment to the above resolution, and the same was adopted:

“And that the Secretary be directed to cause the same to be printed without delay, by the Printer of the Convention, and in default of his ability to do so immediately, the Secretary shall employ another printer to do the same.”

On motion of Mr. GRYMES, it was ordered that the Convention proceed to the consideration of the first article of the Constitution, as reported by the committee appointed on that article.

The Convention formed itself into a committee of the whole, on the first article of the Constitution.

Mr. LEONARD in the chair.

The first section of the first article of the Constitution, as reported by the com-

mittee, was read; after some time, the committee rose and Mr. Leonard, the chairman, reported progress.

On motion, the Convention adjourned to to-morrow at 11 o'clock, A. M.

WEDNESDAY, January 15, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. SCOTT opened the proceedings by prayer.

Mr. RATLIFF, chairman of the committee on contingent expenses, offered the following resolution:

“Resolved, That the committee on contingent expenses be instructed to inquire into and ascertain the amount of mileage due to each member of this body for his travelling to, and returning home from the Convention in New Orleans, and direct the payment of the same.”

Mr. BEATTY offered to the above resolution, the following amendment:

“And that the committee report to the Convention.”

Mr. GUION moved that the whole be laid on the table, and the yeas and nays were called for, and

Messrs. *Aubert, Beatty, Bourg, Brent, Burton, Benjamin, Brumfield, Cade, Carriere, Cenas, Chambliss, Claiborne, Conrad of N. Orleans, Couvillon, Downs, Eustis, Garrett, Grymes, Guion, Hudspeth, Humble, Kenner, King, Ledoux, Legendre, Lewis, Marigny, Mayo, Mazareau, Peets, Penn, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Sellers, Trist, Voorhies, Waddill and Winder, voted in the affirmative,—44 yeas.*

And Messrs. *Chinn, Dunn, Leonard, McCallop, Preston, Ratliff, Reid, Scott of Baton Rouge, Scott of Feliciana, Stephens and Wederstrandt, voted in the negative,—11 nays.*

Consequently the motion was carried.

Mr. WINDER asked leave of absence for Mr. Taylor of Assumption, on account of severe domestic afflictions in his family; the same was granted.

Mr. DOWNS moved that a committee of five be appointed to revise and draft rules for the government of the Convention, and the same was adopted.

The president appointed on said committee, Messrs. Roman, Eustis, Mayo, Lewis and Reid.

The president announced to the Convention the resignation of Mr. L. Exnicois, as door-keeper to the Convention.

Mr. GRYMES moved that the president be authorised to appoint the door-keeper, which motion was lost.

Mr. DOWNS moved for the re-consideration of the report of the committee appointed by the Convention, at Jackson, for the purpose of making the necessary arrangements for the meeting of the Convention at New Orleans, adopted yesterday, which motion prevailed.

Mr. DOWNS then moved that the report of the said committee be laid on the table, subject to the call of the Convention, which motion was adopted.

Mr. LEWIS moved that the Convention proceed to the election of a door-keeper, and the same was carried.

Mr. RATLIFF nominated Mr. Eugene Remondet.

Mr. CULBERTSON nominated Mr. G. W. Reinecke.

Mr. PENN nominated Mr. J. K. Miles.

Mr. BOUDOUSQUIE nominated Mr. Faure.

Mr. GARCIA nominated Mr. Jos. Chevalier.

The Convention then proceeded to the election of door-keeper, sixty-three members present.

On motion of Mr. WEDERSTRANDT to appoint tellers, the president appointed Messrs. Dunn and Culbertson.

On counting the votes it appeared that Mr. E. Remondet obtained 34 votes.

" G. W. Reinecke,	"	6	"
" J. K. Miles,	"	4	"
" Faure,	"	8	"
" Hickey,	"	1	"
" Blank,	"	2	"

—
63 votes.

Mr. REMONDET having obtained thirty-four votes, the president proclaimed him duly elected door-keeper to the Convention.

Mr. MAYO moved that the reporters of the newspapers of the city of New Orleans be admitted in the Hall of the Convention during its sittings, which motion was adopted.

ORDER OF THE DAY.

The Convention then proceeded to the order of the day, viz: The report of the committee on the first article of the Constitution.

CONSTITUTION OF LOUISIANA.

ARTICLE 1st.

"SECTION 1. That the powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them to be confined to a separate body of magistracy, to wit: those which are Legislative to one, those which are Executive to another, and those which are Judiciary to another."

Mr. LEWIS moved to strike out after the words distinct departments, the word *and*.

Mr. PRESTON moved that the first article of the Constitution of 1812, be substituted for the one reported by the committee.

Mr. DOWNS moved for a division, that is, that the sections composing said article be divided, and said motion prevailed.

SECTION 1st. The powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, viz: Those which are Legislative to one, those which are Executive to another, and those which are Judiciary to another.

Mr. PRESTON moved for the adoption of the first section of article first, of the Constitution of 1812. Which motion was carried.

Mr. LEWIS moved to adopt the second section of article first, as reported by the committee, viz:

"SEC. 2. No person or collection of persons holding office under one of those departments shall exercise any power properly belonging to either of the others; except in instances hereafter expressly directed or permitted."

Mr. GUION offered to the same the following amendment: "No person or persons being one of those departments, or holding office under one of them, shall exercise any powers properly," and Mr. DOWNS called for the yeas and nays, which resulted as follows:

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brumfield, Burton, Chinn, Conrad of Orleans, Conrad of Jefferson, Culbertson, Dunn, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Legendre, Lewis, Mazureau, Porche, Preston, Prudhomme, Pugh, Roman, St. Amand, Saunders, Scott of Feliciana, Stephens, Trist, Voorhies, Winchester and Winder, voted in the affirmative—34 yeas.

Messrs. *Brazeale, Brent, Cade, Carriere, Cenas, Claiborne, Couvillon, Downs, Eustis, Humble, Ledoux, Leonard, McCallop, Marigny, Mayo, Peets, Penn, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Read, Scott of Baton Rouge, Sellers, Waddill, and Wederstrandt*, voted in the negative—25 nays; consequently the motion was carried.

Mr. DOWNS moved to insert the word *hereinafter* instead of *hereafter*, and the same was adopted.

Mr. PRESTON moved that the committee appointed to revise and draft rules for the Convention, be requested to report to-morrow morning.

On motion, the Convention adjourned to to-morrow, at 11 o'clock, A. M.

THURSDAY, January 16, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLAPP opened the proceedings by prayer.

Mr. ROMAN of the committee to whom had been referred the revising and drafting rules for the government of the Convention, reported that the committee recommended to the Convention the adoption of the forty-two first rules that had been temporarily adopted by the Convention at Jackson, and submitted to the consideration of the Convention some additional rules.

On motion of Mr. DOWNS, it was ordered that the forty-two rules temporarily adopted, be read, and that the Convention act on each of them separately.

The rules which were as follows, were read:

Touching the duty of the President.

1. He shall take the chair every day at the hour to which the Convention shall have adjourned on the preceding day; shall immediately call the members to order; and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to the members, rising from his seat for the purpose; and shall decide questions of order, subject to an appeal to the Convention, by any two members, on which appeal no member shall speak more than once unless by leave of the Convention.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many of you as are of opinion that," (as the question may be,) 'say aye,' and after the affirmative voice is expressed,—“as many of you as are of a contrary opinion, say no.” If the president doubts, or if a division be called for, the Convention shall divide; those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. The president shall then rise and state the decision of the Convention.

5. All committees shall be appointed by the president, unless otherwise specially directed by the Convention; in which case they shall be appointed by a *viva voce* vote of the Convention, and if upon such vote the number required shall not be elected by a majority of the vote given, the Convention shall proceed to vote until a majority be obtained.

6. The president shall have the right to examine and correct the journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7. In all cases of ballot or *viva voce* vote, by the Convention, the president shall vote; in other cases he shall not vote, unless the Convention be equally divided, or unless his vote, if given to the minority, will make a division equal; and in case of such equal division, the question shall be lost.

8. In case of any disturbance or disorderly conduct in the gallery or lobby, the president, (or chairman of the committee of the whole Convention,) shall have the power to order the same to be cleared.

9. No person shall be admitted within the bar but the members of the Convention, officers of the General or State Government, and such other persons as the president may think proper to invite to a seat in the Convention.

Of Decorum and Debate.

10. When any member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat, and respectfully address himself to the president.

11. If any member in speaking or otherwise, transgress the rules of the Conven-

tion, the president shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the Convention shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Convention.

12. When two or more members happen to rise at once, the president shall name the person who is first to speak.

13. No member shall speak more than twice on the same question, without leave of the Convention, nor more than once, until every member choosing to speak, shall have spoken.

14. Whilst the president is putting any question, or addressing the Convention, none shall walk out of or across the hall; nor, in such case, or when a member is speaking, shall entertain private discourse, nor whilst a member is speaking, shall pass between him and the chair.

15. No member shall vote on any question, in the event of which he is immediately and particularly interested; or in any other case, when he is not present when the question was put, without leave of the Convention.

16. Upon a division and count of the Convention on any question, no member without the bar shall be counted.

17. Every member who shall be in the Convention when a question is put, shall give his vote, unless the Convention, for special reasons, shall excuse him.

18. When a motion is made and seconded, it shall be stated by the president, or, being in writing, it shall be handed to the chair, and read aloud by the secretary, before debated.

19. Every motion shall be reduced to writing, if the president or any member desire it.

20. After a motion is stated by the president, or read by the secretary, it shall be deemed to be in possession of the Convention, but may be withdrawn at any time before a decision or amendment.

21. When a question is under debate, no motion shall be received, but to adjourn; to lay on the table; for the previous ques-

tion; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the proposition.

22. A motion to adjourn shall always be in order; that and the motion to lay on the table, shall be decided without debate.

Mr. Downs moved to amend it by striking out the words "*that and the motion to lay on the table.*" His motion was carried by the casting vote of the president.

The rule as amended, viz: "A motion "to adjourn shall always be in order, and "shall be decided without debate," was adopted.

23. All questions except those enumerated in rule 21st, shall be put in the order they are moved, except that in filling up blanks, the largest sum and the largest time shall be first put.

24. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and until it is decided, shall preclude all amendments and further debate of the main question, and must be decided without debate.

25. When the Convention adjourns, every member shall keep his seat, until the president passes the last seat on his way out of the Convention.

26. Any member may call for the division of the question, when the sense will admit of it.

27. A motion for commitment, till it is decided, shall preclude all amendment of the main question.

28. Motions and reports may be committed at the pleasure of the Convention.

29. No new motion or proposition on a subject, different from that under consideration, shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate.

30. When a motion has once been made, or carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; *Provided*, it is made on the same

day or the next sitting day, before the order of the day is taken up.

31. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Convention.

32. The unfinished business in which the Convention was engaged, at the time of the last adjournment, shall have the preference in the orders of the day; and no motion, or any other business, shall be received without special leave of the Convention, until the former is disposed of.

33. In all other cases of ballot a majority of the votes given shall be necessary to an election, and where there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained.

34. In all cases when others than members of the Convention may be eligible, there shall be a previous nomination.

35. Any five members, including the president, shall be authorized to compel the attendance of absent members.

36. Upon calls of the Convention, or in taking the yeas and nays in any question, the names of the members shall be called alphabetically.

37. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of other committees.

Rule 38. "No member shall absent himself from the service of the Convention, unless he have leave, or be sick and unable to attend."

Mr. LEONARD moved to amend this rule by striking out the words *he have leave*; the amendment was lost, and the rule adopted.

38. No member shall absent himself from the service of the Convention, unless he have leave, or be sick and unable to attend.

39. In order to insure the punctual attendance of the members, a call shall take place at the commencement of every day's sitting, by the secretary, who shall note the absentees; but shall remove the notes from the names of such members as appear in the course of that day's sitting; the names of those who do not attend, shall be entered on the Journal, and they shall receive no salary for that day, unless excused by the Convention.

40. A sergeant-at-arms shall be appointed to hold his office during the pleasure

of the Convention, whose duty it shall be to attend the Convention during its sittings; to execute the commands of the Convention from time to time, together with all such process issued by authority thereof, as shall be directed to him by the president.

41. There shall be a committee of elections, whose duty it shall be to examine and report upon the certificate of election or other credentials of the members returned to serve in this Convention, and to take into consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come in question, and be referred to them by the Convention, and on any other matter in relation to the manner, times and places of holding elections.

42. No committee shall sit during the sitting of the Convention, without special leave.

43. No standing rule or order of the Convention shall be rescinded without one day's notice being given of the motion thereof.

44. The secretary of the Convention shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities; and shall be deemed to continue in office until another be appointed. He shall enter in the journals all motions on which a vote of the Convention shall have been taken.

45. The secretary shall not suffer any records or papers to be taken from the table, or out of his custody, by any member, or other person.

46. No standing rule or order of the Convention shall in any case be suspended or dispensed with, without the concurrence of four-fifths of the members present.

Rule 50. "It shall be a standing order, that the Convention shall every day resolve itself into a committee of the whole, to consider the existing Constitution, and such propositions for the amendment or alteration thereof, as shall be referred to or made in said committee."

On motion of Mr. RATLIFF, the said rule was rejected.

Mr. CONRAD moved for the re-consideration of the 30th rule, and his motion prevailed.

Rule 30. "When a motion has once been made; or carried in the affirmative or negative, it shall be in order for any member

of the majority to move for the re-consideration thereof, provided it is made on the same day, or the next sitting day before the order of the day is taken up."

On motion of Mr. CONRAD, this rule was amended by the addition of the following proviso, viz: "provided further, that this rule do not apply to the provision of the Constitution which may have been adopted, and which shall always be subject to re-consideration, after two days' notice being given thereof," which motion was granted, and the rule adopted as amended.

On motion of Mr. RATLIFF, the Convention re-considered the 35th rule and rejected it.

Rule 51. "In forming the committee of the whole, the president shall leave the chair, and a chairman to preside in committee shall be appointed by the president;" which rule was rejected.

Rule 52. "In the committee of the whole Convention, the ayes and nays shall not be called." This rule was rejected.

Rule 47. "Every member in addressing the Convention, shall confine himself strictly to the subject matter under debate, and the address of no member to the Convention shall exceed one hour, unless by special permission of the Convention."

On motion of Mr. LEWIS, the rule was amended by striking out the words "*and the address of no member to the Convention shall exceed one hour, &c.;*" and the rule as amended, viz:

"Every member in addressing the Convention, shall confine himself strictly to the subject matter under debate;" was adopted.

Mr. ROMAN's additional article, viz:

Rule 48. "There shall be appointed a standing committee of five, whose duty it shall be to revise, in English and French, every article of the Constitution, after it is adopted by the Convention, and report the same to the Convention on the next day, or as soon thereafter as practicable for its second reading,—was read and adopted.

Rule 49. "In all cases to which the above rules will not apply, the Jefferson's manual shall govern the Convention." The same was adopted.

Mr. DOWNS moved that the rules be printed in pamphlet form, in the French

and English languages, and that one hundred copies be printed in each of the languages, which motion prevailed.

Mr. DOWNS moved to incorporate among the rules the following, viz: "The documents ordered to be printed by the Convention and the debates of the Convention, in pamphlet forms, shall be printed on paper of the same size of the printed journals of this Convention, and a copy sheet be bound with each journal, to be furnished to the members of the Convention, at the end of the session, and it shall be the duty of the printer of the Convention, to print one hundred additional copies ordered to be printed for the above purpose."

Mr. LEWIS moved to lay the same on the table subject to the call of the Convention; his motion prevailed.

Mr. SELLERS moved, that the statistical information called for by the Convention, and furnished by the reports of the State Treasurer, be printed as speedily as possible.

Mr. WADSWORTH moved that a committee be appointed to examine the reports, containing this statistical information before printing; which motion was lost.

Mr. SELLERS' motion was then adopted.

ORDER OF THE DAY.

ARTICLE I.

SECTION 2. "No person or persons being "one of these departments or holding office "under one of them, shall exercise any "powers properly belonging to either of the "others; except in the cases hereinafter expressly directed or permitted," was read and adopted.

Mr. LEWIS moved to take up the second article of the Constitution, and that the sections of the Constitutions of 1812 be first read, and then the sections as reported by the committee.

ARTICLE II. OF THE CONSTITUTION OF 1812.

SECTION 1. "The Legislative power of "this State shall be vested in two distinct "branches, the one to be styled the House "of Representatives, the other the Senate, "and both together the General Assembly "of the State of Louisiana," was read.

Mr. RATLIFF moved the re-adoption of this section of the Constitution of 1812, and his motion prevailed:

ARTICLE II. AS REPORTED BY THE
COMMITTEE.

SECTION 1. "The Legislative power of
"this State shall be vested in two distinct
"branches, the one to be styled the House
"of Representatives, the other the Senate;
"and both together, the General Assembly
"of the State of Louisiana," was read.

ARTICLE II. OF THE CONSTITUTION OF
1812.

SECTION 2. "The members of the House
"of Representatives shall continue in ser-
"vice for the term of two years from the day
"of the commencement of the general elec-
"tion," was read.

ARTICLE II. AS REPORTED BY THE
COMMITTEE.

SECTION 2. "The members of the House
"of Representatives shall continue in ser-
"vice for the term of two years from the day
"of the closing of the general elections,"
was read and adopted.

ARTICLE II. OF THE CONSTITUTION
OF 1812.

SECTION 3. "Representatives shall be
"chosen on the first Monday in July, every
"two years, and the General Assembly shall
"convene on the first Monday in January in
"every year, unless a different day be ap-
"pointed by law, and their sessions shall
"be held at the seat of government," was
read.

ARTICLE II. AS REPORTED BY THE
COMMITTEE.

SECTION 3. "Representatives shall be
"chosen on the first Monday, one day only,
"in September every two years, and the
"General Assembly shall convene on the
"third Monday in January in every second
"year, unless a different day be appointed
"by law, and their different sessions shall be
"held at the seat of government."

"The first election under this Constitu-
"tion shall take place in the year ———,"
was read.

Mr. WINDER moved to strike out the
word "September," and insert in lieu there-
of the word "June."

Mr. SELLERS moved to amend the amend-
ment by striking out the name of the month
and leaving it blank.

While this motion was under debate, the
Convention adjourned to to-morrow, at 11
o'clock, A. M.

FRIDAY, JANUARY 17, 1845.

The Convention met pursuant to adjourn-
ment.

The Rev. Mr. NICHOLSON opened the
proceedings by prayer.

The PRESIDENT submitted the following
letter from the Right Rev. Blanc, Bishop
of New Orleans :

NEW ORLEANS, January 15, 1845.

Bishopric of New Orleans :

SIR—I have the honor to acknowledge
the reception of your note of this date.

In answer, I beg leave to state that as
soon as I was informed that the Convention
of our State had assembled in the town of
Jackson, I instructed the clergy and laity
under my charge to offer up public prayers,
that the Almighty might in his goodness
vouchsafe to direct the deliberations of the
Convention, so that their decisions might
be profitable to the people in whose behalf
they were assembled, and that these prayers
should be continued daily during the entire
session of the Convention.

In relation to the daily opening prayer, I
would beg leave, respectfully, to request in
the name of my clergy, that we be dispen-
sed from attending to it. Any arrange-
ments which the divines, who may have be-
gun, will make between themselves, will
be agreeable to us. I have the honor to be,
very respectfully, your obedient servant.

ANT. BP. OF NEW ORLEANS.

To the Hon. Jo. E. Walker, President of
the State Convention of Louisiana.

Mr. RATLIFF, chairman of the committee
on contingent expenses, moved that the sum
of \$100 be allowed Mr. Kelly, printer to
the Convention, for the printing of one hun-
dred pamphlets, and \$50 for printing blank
warrants for the Convention, and the same
was allowed.

Mr. DOWNS offered the following resolu-
tion, viz :

"Resolved, That the sergeant-at-arms,
under the direction of the president of the
Convention, be directed to provide seats in
the lobby, for the use of such persons as
may attend the proceedings of the Conven-
tion, and suitable seats and tables for the
reporters of the several newspapers of the
city." The same was adopted.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE
COMMITTEE.

SEC. 3. "Representatives shall be chosen

on the first Monday, one day only, in September, every two years, and the General Assembly shall convene on the third Monday in January, in every second year, unless a different day be appointed by law, and their different sessions shall be held at the seat of government."

On the adjournment, yesterday, the Convention had under consideration the motion to strike out the word *September*.

Mr. TAYLOR, of Assumption, moved to lay on the table, subject to call, the motion to strike out.

His motion was lost.

Mr. RATLIFF called for the yeas and nays, on the motion to strike out, and

Messrs. Aubert, Benjamin, Boudousquie, Brent, Briant, Burton, Cenas, Chambliss, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Humble, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mayo, Mazureau, Penn, Prescott of Avoyelles, Prescott of St. Landry, Preston, Pugh, Ratliff, Roman, Roselius, St. Amand, Saunders, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Wadsworth, Winchester, and Winder, voted in the affirmative—48 yeas.

Messrs. Beatty, Bourg, Brazeale, Brumfield, Cade, Carriere, Covillion, Leonard, McCallop, McRae, Marigny, Peet, Porche, Prudhomme, Read, Scott, of Baton Rouge, Scott, of Feliciana, Voorhies, Waddill, and Waderstrand, voted in the negative—20 nays; consequently the motion was carried.

Mr. WINDER moved to fill the blank with the word *June*, and the yeas and nays being called for, resulted as follows:

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Chinn, Claiborne, Conrad, of New Orleans, Conrad, of Jefferson, Culbertson, Derbes, Dunn, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mazureau, Pugh, Roman, Roselius, St. Amand, Saunders, Winchester, and Winder, voted in the affirmative—28 yeas.

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Cenas, Chambliss, Covillion, Downs, Eustis, Garcia, Garrett, Huble, Leonard, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porche, Prescott, of Avoyelles, Preseott, of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott, of Baton Rouge, Seott, of Feliciana, Sellers, Splane, Stephens, Taylor, of Assumption,

Trist, Voorhies, Waddill, Wadsworth, and Wederstrand, voted in the negative—40 nays; consequently the motion was lost.

Mr. McRAE moved to fill the blank with the word *October*; and the yeas and nays being called for, resulted as follows:

Messrs. Beatty, Brazeale, Brent, Brumfield, Cade, Carriere, Chambliss, Covillion, Downs, Humble, Leonard, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porche, Prescott, of Avoyelles, Prescott, of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Voorhies and Wederstrand, voted in the affirmative—26 nays.

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Burton, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mazureau, Preston, Pugh, Ratliff, Roman, Roselius, St. Amand, Saunders, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Waddill, Wadsworth, Winchester and Winder, voted in the negative—42 nays; the motion was lost.

On motion of Mr. BURTON to fill up the blank with the word *November*, the yeas and nays being called, resulted as follows:

Messrs. Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Garrett, Humble, Leonard, McCallop, McRea, Marigny, Mayo, Peets, Penn, Porche, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Voorhies, Waddill, Wederstrand and Winder, voted in the affirmative—33 yeas.

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mazureau, Ratliff, Roman, Roselius, St. Amand, Splane, Trist, Wadsworth and Winchester, voted in the negative—34 nays; the motion was therefore lost.

Mr. McREA moved that the Convention adjourn till to-morrow at 11 o'clock A. M., and the yeas and nays being called for,

Messrs. Brazeale, Brent, Briant, Brumfield, Carriere, Covillion, Chambliss, Downs, Dunn, Hudspeth, Humble, King, Labauve, Leonard, McRae, Marigny, Mayo, Peets,

Porche, Prescott of Avoyelles, Prescott of St. Landry, Scott of Baton Rouge, Scott of Feliciana, Stephens and Waddill, voted for the motion—25 yeas.

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Burton, Cade, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Eustis, Garcia, Garrett, Grymes, Guion, Kenner, Ledoux, Legendre, Lewis, McCullop Mazareau, Penn, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amand, Saunders, Sellers, Splane, Taylor of Assumption, Trist, Wadsworth Wederstrand, Winchester and Winder*, voting against the motion, 43 nays; the same was lost.

Mr. GARRETT moved to fill up the blank with the words the *fourth Monday of November*.

The PRESIDENT decided this motion to be out of order, because the blank was to be filled by the name of the month only, the section containing already the particular Monday of the month—and Mr. Garrett proposed to appeal from the decision of the chair.

Mr. EUSTIS moved to fill up the blank with the word *July*, and before putting the question, on motion of Mr. CHINN, the Convention adjourned till to-morrow at 11 o'clock, A. M.

NOTE.—Members absent, Messrs. Hynson, O'Bryan, Porter, Scott of Madison, Soulé on leave, Taylor of St. Landry, and Wikoff.

SATURDAY, JANUARY 18, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WATKINS opened the proceedings by prayer.

Mr. SPLANE, having voted in the majority, moved the re-consideration of the vote given on yesterday, to fill the blank in section 3d, article 2d, with the word "*November*," his motion was adopted.

The PRESIDENT appointed on the committee of revisal, Messrs. Eustis, Roman, Miles Taylor, Brent and Mazareau.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 3d. Representatives shall be chosen on the first Monday, one day only, in—, every two years; and the General Assem-

bly shall convene on the third Monday of January, in every second year, unless a different day be appointed by law, and then different sessions shall be held at the seat of government.

The first election under this constitution, shall take place in the year —.

Mr. PENN moved that the Convention take up, as first in order, the question to fill up the blank in the 3d section, article second, with the month "*November*."

The PRESIDENT decided that the carrying the motion to re-consider the vote given yesterday, to fill the blank in the 3d section of article 2d, with the month of "*November*," did not disturb the right of precedence of the motion of Mr. Eustis, to fill the blank with the month of "*July*." That motion being under consideration at the preceding adjournment.

Mr. MAYO appealed from the decision of the president; the Convention sustained the decision of the chair.

Mr. GRYMES gave notice that he will, on some future day, offer an amendment to section 3d and article 2d, of the Constitution, as reported by the committee.

On the motion of Mr. EUSTIS, to fill up the blank with "*July*," the yeas and nays being called for, resulted as follows:

Messrs. *Beatty, Boudousquie, Bourg, Briant, Brumfield, Cenas, Claiborne, Derbes, Grymes, Hudspeth, Humble, King, Labauve, Ledoux, Legendre, Lewis, McCullop, McRae, Mazareau, Prudhomme, Read, Romain, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Trist and Wadsworth*, voted in the affirmative—28 yeas; and

Messrs. *Aubert, Benjamin, Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Chinn, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Downs, Dunn, Garrett, Guion, Hynson, Kenner, Leonard, Marigny, Mayo, Peets, Penn, Porter, Porche, Prescott of Avoyelles, Prescott of St. Landry, Preston, Pugh, Ratliff, Sellers, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, Wederstrand and Winder*, voted in the negative—39 nays; consequently the motion was lost.

Mr. GUION moved that the blank be filled with the word "*May*," and the yeas and nays being called for,

Messrs. *Aubert, Benjamin, Boudousquie, Bourg, Briant, Cenas, Chinn, Claiborne,*

Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazareau, Pugh, Ratliff, Romain, Roselius, Saunders, Sellers and Trist, voted for the motion—28 yeas; and

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, Wadsworth and Wederstrand, voted against the motion—37 nays; which motion was lost.

Mr. SPLANE moved to fill the blank with the word "November," and the yeas and nays having been called for, resulted as follows:

Messrs. Beatty, Benjamin, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Cenias, Chambliss, Chinn, Claiborne, Covillion, Culbertson, Downs, Dunn, Garrett, Humble, Hynson, Ledoux, Leonard, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Sellers, Splane, Stephens, Taylor, of Assumption, Voorhies, Waddill, Wadsworth, Wederstrand and Winder, voted in the affirmative—48 yeas; and

Messrs. Aubert, Boudousquie, Bourg, Briant, Conrad of New Orleans, Conrad of Jefferson, Derbes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Mazareau, Ratliff, Roman, Saunders and Trist, voted in the negative—18 nays, consequently the motion was carried.

Mr. KENNER moved to strike out the *first Monday* and insert the *fourth Monday*, and the yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Cenias, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Grymes, Garrett, Guion, Hudspeth, King, Kenner, Labauve, Legendre, Lewis, Mazareau, Preston, Pugh, Roman, Roselius, Sanders, Sellers, Splane, Taylor of Assumption, and Winder, voted in favor of the motion—32 yeas; and

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton Cade, Carriere, Chambliss, Covillion, Downs, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Stephens, Trist, Voorhies, Waddill, Wadsworth and Wederstrand, voting against the motion—35 nays, the same was lost.

Mr. CONRAD of New Orleans, moved to fill the blank in the 3d section, article 2d, with the words "third monday of November."

Mr. WADDILL moved for a division, that is, that the Convention shall first proceed to strike out the "first monday," his motion was adopted.

The yeas and nays were then called for on the motion to strike out the "first monday," and resulted as follows:

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Cenias, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Mazareau, Roman, Roselius, Saunders, Sellers, Splane, Taylor of Assumption, and Trist, voted in the affirmative—28 yeas; and

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, Leonard, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Stephens, Voorhies, Waddill, Wederstrand and Winder, voted in the negative—30 nays, consequently the motion was lost.

Mr. CULBERTSON gave notice that he would move the re-consideration of the vote given to fill the blank, in the 3d section of article 2d, with the month of "November."

Mr. MAYO moved to fill the blank in the last paragraph of section 3d, article 2d, with "1845."

Mr. DUNN gave notice that he would move the re-consideration of the vote given to fill the blank in the 3d section, article 2d, with the month of "July."

Mr. BEATTY moved to lay the motion, to fill the blank in last paragraph in the 3d

section, article 2d, with "1845," on the table, subject to call—the same was adopted.

On motion, the Convention adjourned till monday next at 11 o'clock, a. m.

NOTE.—Members absent, Messrs. Garcia, O'Bryan, St. Amant, Scott of Madison, Soulé on leave, Taylor of St. Landry, Winkoff and Winchester.

MONDAY, January 20th, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. PRESTON opened the proceedings by prayer.

Mr. VOORHIES submitted to the Convention a memorial from Mr. John D. Wilkins of the county of Attakapas, suggesting his views on the amendments, alterations, or changes to be made to the Constitution of the State of Louisiana; and pending the reading,

Mr. TAYLOR of Assumption moved that the said memorial be laid on the table indefinitely, and the ayes and nays being called for, resulted as follows:

Messrs, Aubert, Beatty, Bourg, Brazeale, Briant, Brumfield, Burton, Downs, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Labauve, Legendre, Lewis, M'Rae, Marigny, Mayo, Mazureau, Peets, Porche, Prudhomme, Pugh, Read, Roman, Roselius, Saunders, Scott of Baton Rouge, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Trist and Winder voted in the affirmative,—40 yeas, and

Messrs. Brent, Cade, Carriere, Censas, Chambliss, Conrad of Jefferson, Covillion, Culbertson, Derbes, King, Leonard, O'Bryan, Penn. Porter, Prescott of St. Landry, Prescott of Avoyelles, Preston, Ratliff, Scott of Feliciana, Splane, Voorhies, Waddill and Wederstrandt voted in the negative,—23 nays, the motion was therefore adopted.

The PRESIDENT submitted the following letter from J. A. Kelly, printer to the Convention, which was read:

JANUARY 20th, 1845.

To Hon. Joseph Walker, President of the Convention of Louisiana.

DEAR SIR:—To facilitate the printer to the Convention in the punctual discharge of his duties, he respectfully asks that a draft be drawn on the State Treasurer in

his favor on account of printing already done for the sum of three hundred and fifty dollars; you will please call the attention of the Convention to this subject and greatly oblige
Your ob't serv't.

(Signed) J. A. KELLY.

On motion of Mr. Garrett, said letter was referred to the committee on contingent expenses.

Mr. MAYO moved the re-consideration of the vote given on Saturday to fill the blank in the last paragraph of section third and article second with 1845, and laid on the table subject to the call of the Convention, which motion was adopted.

Mr. BEATTY moved that the same be laid on the table subject to the call of the Convention, and called for ayes and nays, and

Messrs. Aubert, Beatty, Benjamin, Brent, Bourg, Briant, Carriere, Censas, Chambliss, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Peets, Penn, Preston, Prudhomme, Pugh, Read, Roman, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Wadsworth and Winder voted in the affirmative,—47 ayes, and

Messrs. Brazeale, Brumfield, Burton, Cade, Covillion, Garrett, Humble, Hynson, Leonard, McRae, Mayo, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Soulé, Waddill and Wederstrandt voted in the negative,—19 nays, consequently the motion was lost.

Mr. CULBERTSON withdrew the notice he gave to re-consider the vote given to fill the blank in the third section, article second with the month of "November."

Mr. DUNN, agreeably to notice, moved the re-consideration of the vote given to fill the blank in the third section, article second with the month of "July."

Mr. CULBERTSON moved to lay said motion on the table subject to the call of the Convention, and his motion was lost.

Mr. DUNN then renewed his motion for re-consideration, and the same was lost—some of the delegates declared that they had misunderstood the question.

Mr. WADSWORTH gave notice that he

would, on Thursday next, move the re-consideration of the vote given to fill the blank in the third section, article second, with the month of "November."

Mr. BENJAMIN gave notice that he would move the re-consideration of the vote given to fill the blank in the third section, article second with "July."

ORDER OF THE DAY.

ARTICLE SECOND.

SEC. 3d. "Representatives shall be chosen on the first Monday, one day only, in November every two years, and the general assembly shall convene on the third Monday in January next ensuing the election in every second year, unless a different day be appointed by law, and their different sessions shall be held at the seat of government."

The first election under this Constitution shall take place in the year——.

Mr. Read moved to adopt the first paragraph of section third, article second of the Constitution as amended.

Mr. PRESTON moved to strike out after the words "In January in every," the word "second" from the said first paragraph of section third, article second; and the yeas and nays being called for, resulted as follows:

Messrs. Aubert, Guion, Preston, Pugh, Stephens, Taylor of Assumption and Winchester voted in favor of the motion,—7 yeas, and

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Cenas, Chambliss, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Lewis, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Roman, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Trist, Voorhies, Waddill, Wederstrandt and Winder voted against the motion,—60 nays, which motion was therefore lost.

Mr. Downs moved to amend said 3d section of article 2d by inserting in the first paragraph, after the word ——

the words "next ensuing the election," and his motion was adopted.

Mr. CULBERTSON moved to strike out from the first paragraph of the 3d section, article 2d, the words "*unless a different day be appointed by law,*" and his motion was lost.

Mr. READ moved for the adoption of the first paragraph of the 3d section, article 2d, and called for the yeas and nays, and

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dunn, Garcia, Garret, Hudspeth, Humble, Hynson, King, Labauve, Ledoux, Legendre, Leonard, Lewis, McRae, Marginy, Mayo, Mazureau, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Roman, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Taylor of Assumption, Trist, Voorhies, Waddill and Wederstrandt, voted in the affirmative—60 yeas, and

Messrs. Grymes, Guion, Kenner, Pugh, Roselius, Saunders, Stephens and Winchester voted in the negative—8 nays: the motion was adopted.

Mr. LEWIS moved that the Convention take under consideration the 4th section article 2d of the Constitution as reported by the committee—viz :

ARTICLE II.

"SECTION 4. No person shall be a representative who, at the time of his election, is not a free white male citizen of the United States and hath not attained the age of twenty-one years, and resided in the State two years next preceding his election, and the last year thereof in the parish for which he may be chosen."

Mr. SELLERS moved to reject the said 4th section of article 2d.

Mr. READ offered the following substitute, viz :

"Every qualified elector, under this Constitution shall be eligible to a seat in the house of representatives"—in lieu of the 4th section of article 2d, and called for the yeas and nays—and

Messrs. Brazeale, Brent, Chambliss, Ledoux, McRae, Mayo, Peets, Porche, Preston, Read, Scott of Feliciana, Scott of

Madison, Stephens, Trist and Waddill voted for the substitute—15 yeas, and

Messrs. Aubert, Beatty, Benjamin, Boudousquié, Bourg, Briant, Brumfield, Burton Cade, Carriere, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dunn, Garcia, Grymes, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Legendre, Ledoux, Leonard, Lewis, Marigny, Mazureau, O'Bryan, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Roman, Roselius Scott of Baton Rouge, Sellers, Soulé, Splane, Taylor of Assumption, Voorhies, Wederstrandt, Winchester and Winder voted against the substitute—52 nays, consequently the same was rejected.

On motion of Mr. GUION, Mr. SELLERS' motion to reject the 4th section of article 2d, was laid on the table indefinitely.

Mr. KENNER, moved to strike out of the 4th section, article 2d after the words, "and resided in the State" the word "two," and called for the yeas and nays, which resulted as follows:

Messrs. Aubert, Beatty, Benjamin, Boudousquié, Bourg, Briant, Brumfield, Burton, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Derbes, Dunn, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, Saunders, Sellers, Taylor of Assumption, Trist Voorhies, Wadsworth, Winchester and Winder voted in the affirmative—36 yeas, and

Messrs. Brazeale, Brent, Cade, Carriere, Cénas, Chambliss, Culbertson, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, Leonard, McRae, Marginy, Mayo, Peets, Porche, Porter, Prescott of Avoyelles, Prescott, of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Waddill and Wederstrandt voted in the negative—33 nays, the motion prevailed.

Mr. Downs moved an adjournment till to-morrow at 11 o'clock A. M., and the yeas and nays being called

Messrs. Briant, Cénas, Conrad of New Orleans, Conrad of Jefferson, Downs, Dunn, Eustis, Garcia, Kenner, Labauve, Legendre, Leonard, Mazureau, Preston, Ratliff, Roselius, Scott of Feliciana, Taylor of Assumption, Trist, Voorhies, Wads-

worth, Wederstrandt and Winchester voted for the adjournment—23 yeas, and

Messrs. Aubert, Beatty, Benjamin, Boudousquié Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Culbertson, Derbes, Grymes, Garrett, Guion, Hudspeth, Humble, Hynson, King, Ledoux, Lewis, McRae, Marigny, Mayo, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Read, Roman, Saunders, Scott of Baton Rouge, Scott of Madison, Sellers, Soulé, Splane, Stephens, Waddill and Winder voted against the adjournment—45 nays, and the same was not adopted.

On motion of Mr. LEWIS, the Convention adjourned till to-morrow at 10 o'clock, A. M.

NOTE.—Members absent, Messrs Chinn, McCallop St. Amand, Taylor of St. Landry, and Wikoff.

TUESDAY, January 21st, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WOODBRIDGE opened the proceedings by prayer.

ORDER OF THE DAY.

ARTICLE SECOND AS REPORTED BY THE COMMITTEE.

SEC. 4. No person shall be a representative who, at the time of his election, is not a free white male citizen of the United States, and has not attained the age of twenty-one years, and resided in the State years next preceding his election, and the last year thereof in the parish for which he may be chosen.

Mr. DUNN moved to fill the blank in the above section fourth, article second, with the word "five," and called for the yeas and nays, which resulted as follows:

Messrs. Aubert, Beatty, Bourg, Briant, Brumfield, Burton, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Derbes, Dunn, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Sellers, Stephens, Taylor of Assumption, Voorhies, Wadsworth, Winchester and Winder voted in the affirmative,—32 yeas, and

Messrs. Benjamin, Brazeale, Brent, Cade, Carriere, Culbertson, Downs, Garrett, Humble, Hynson, Ledoux, McRae,

Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Trist, Waddill and Wederstrandt voted in the negative,—32 nays, and the president giving his casting vote against the amendment; the same was lost. After the adjournment, Mr. Chambliss called at the desk, examined the ayes and nays and not finding his vote recorded, directed it to be inserted, as he had voted against the amendment.

Mr. LEWIS then moved to fill the blank in the said fourth section, article second with the word "four," and called for the yeas and nays, and

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Burton, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Couvillon, Derbes, Dunn, Garcia, Guion, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Saunders, Sellers, Stephens, Taylor of Assumption, Voorhies, Wadsworth, Winchester and Winder voted in the affirmative,—34 yeas, and

Messrs. Brazeale, Brent, Cade, Carriere, Chambliss, Culbertson, Downs, Garrett, Humble, Hynson, Ledoux, McRae, Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Reid, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Trist, Waddill and Wederstrandt voted against the amendment,—31 nays; the same was adopted.

Mr. VOORHIES offered to the said fourth section of article second the following proviso, viz:

"Provided, that in case he be a naturalized citizen, the time of his residence in the State, shall be computed from the time of his naturalization," and the yeas and nays being called for, resulted as follows, viz:

Messrs. Aubert, Beatty, Benjamin, Boudousquié, Bourg, Briant, Brumfield, Burton, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Couvillon, Culbertson, Derbes, Dunn, Grymes, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, Saunders, Sellers, Stephens, Taylor of Assumption,

Trist, Voorhies, Wadsworth, Winchester and Winder voted in favor of the amendment,—39 yeas, and

Messrs. Brazeale, Brent, Cade, Carriere, Chambliss, Downs, Eustis, Garcia, Humble, Hynson, Ledoux, Leonard, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Reid, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Waddill and Wederstrandt voted against the amendment,—32 nays; consequently the same was carried.

On motion, the Convention adjourned till to-morrow at 10 o'clock A. M.

Note.—Members absent: Messrs. Chinn, McCallop, St. Amand, Taylor of St. Landry and Wikoff.

WEDNESDAY, January, 22, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings by prayer.

Mr. RATLIFF, chairman of the committee on contingent expenses, offered the following resolution which was read and adopted:

"Resolved, That J. A. Kelly, printer to the convention be allowed the sum of three hundred and fifty dollars, on account of printing done and to be done by the said Kelly under a resolution of the convention."

Mr. CARRIERE, offered the following resolution:

"Resolved, That the committee on contingent expenses be authorized to allow to the clerks attached to the Convention their mileage from Jackson to New Orleans"

Mr. CARRIERE moved that said resolution be referred to the committee on contingent expenses—which motion was lost.

Mr. LEWIS moved the rejection of the above resolution, and called for the yeas and nays—which resulted as follows—viz:

Messrs. Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Buaton, Chambliss, Eustis, Garcia, Garrett, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mayo, Mazureau, Peets, Prudhomme, Pugh, Ratliff, Roman, Roselius, St. Amand, Saunders, Sellers, Stephens, Taylor, of St. Landry, Trist, and Waddill, voted for the rejection—32 yeas, and

Messrs. Aubert, Cade, Carriere, Cenas,

Covillion, Dunn, Guion, Hudspeth, Humble, Hynson, McCallop, McRae, Marigny, O'Bryan, Porter, Penn, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Taylor of Assumption, Voorhies, and Wederstrandt, voted in the negative—26 nays; the resolution was consequently rejected.

Mr. DOWNS enquired why it was that reports of the debates of the sittings of the Convention at New Orleans had not yet been published by the printer to the Convention.

The secretary in answer stated, that both reporters declared that the reports of the debates were up to time—that the reports up to Friday had been delivered to the printer of the Convention, and the others had not been delivered to him, because he had not as yet published those in hand.

Mr. HUMBLE moved that Mr. PORCHE be excused from attending in the Convention owing to illness; his motion was granted.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

“SECTION 4. No person shall be a representative who, at the time of his election, is not a free white male citizen of the United States, and hath not attained the age of twenty-one years, and resided in in the State four years, next preceding his election, and the last year thereof in the Parish for which he may be chosen, provided that in case he be a naturalized citizen, the time of his residence in the State, shall be computed from the time of his naturalization.”

Mr. LEWIS moved the adoption of the above section 4th, article 2d, as amended.

Mr. MARIGNY moved the rejection of said section 4th, article 2d, as amended.

Mr. CULBERTSON having voted in the majority gave notice that he would on Saturday next move the reconsideration of the vote on the proviso of Mr. Voorhies to said 4th section, article 2d.

On motion, of Mr. Ledoux the Convention adjourned till to-morrow, at 11 o'clock, A. M.

NOTE.—Members absent Messrs. Porche on leave on account of illness, and Wikoff.

THURSDAY, January 23, 1845.

The Convention met pursuant to adjournment, and the proceedings were opened with prayer from the Rev. Mr. HINTON.

Mr. WADSWORTH, in compliance with notice, moved the re-consideration of the vote given to fill the blank in section 3d and article 2d, with the month of “November,” and called for the yeas and nays, which resulted as follows:

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Chinn, Claiborne, Conrad of New Orleans, Derbes, Dunn, Eustis, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Roman, Roselius, St. Amand, Saunders, Taylor of St. Landry, Trist, and Wadsworth* voted in the affirmative—27 yeas.

Messrs. *Bourg, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, Ledoux, Leonard, McCallop, McRea, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, Wederstrandt and Winder*, voted in the negative—37 nays; the motion was therefore lost.

Mr. WADSWORTH moved that a committee of five be appointed to enquire of the printer to the Convention, why it is that the reports of the debates of the Convention have not been printed according to contract, which motion having been adopted—

The PRESIDENT appointed Messrs. Wadsworth, Lewis, Claiborne and O'Bryan, members of that committee.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 4. “No person shall be a representative who, at the time of his election is not a free white male citizen of the United States, and hath not attained the age of twenty one years, and resided in the State four years next preceding his election, and the last year thereof in the parish for which he may be chosen. Provided; that in case he be a naturalized citizen, the time of his residence in the State, shall be computed from the time of his naturalization.”

Mr. LEWIS moved the adoption of the above section fourth, article second, as amended, and called for the yeas and nays.

Mr. TAYLOR of Assumption, moved that the adoption of the said section fourth, article second, as amended, be postponed until the Convention shall have determined the quali-

fications of electors, and called for the yeas and nays; and

Messrs. *Aubert, Benjamin, Bourg, Briant, Chinn, Conrad of New Orleans, Culbertson, Derbes, Garrett, Kenner, Roman, Roselius, St. Amand, Saunders, Taylor of Assumption, Voorhies, Wadsworth, and Winchester* voted in the affirmative; 18 yeas.

Messrs. *Beatty, Boudousquie, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Cenas, Chambliss, Claiborne, Conrad of Jefferson, Covillion, Downs, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Humble, Hynson, King, Labauve, Ledoux, Legendre, Leonard, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott, of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of St. Landry, Trist, Waddill, Wederstrandt, and Winder*, voted against the motion—55 nays; consequently the same was lost.

Mr. LEWIS then renewed his motion for the adoption, and the yeas and nays resulted as follows:

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Burton, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Derbes, Dunn, Grymes, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Roman, Roselius, St. Amand, Saunders, Sellers, Taylor of St. Landry, Voorhies, Wadsworth, Winchester, and Winder*, voted for the adoption—37 yeas.

Messrs. *Brazeale, Brent, Cade, Carriere, Chambliss, Culbertson, Downs, Eustis, Garcia, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Waddill, and Wederstrandt*, voted against the adoption—36 nays; and the president voting with the minority, made the division equal, consequently the motion was not adopted.

On motion of Mr. GRYMES for the adjournment of the Convention till to-morrow at 11 o'clock A. M., the yeas and nays being called,

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Brent, Brumfield, Burton, Cade, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Downs, Dunn, Eustis, Garcia, Grymes, Kenner, Labauve, Leonard, McCallop, McRae, Marigny, Mayo, Mazureau, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Read, Roman, Roselius, St. Amand, Scott of Baton Rouge, Scott of Madison, Splane, Stephens, Taylor of Assumption, Voorhies, Wadsworth, Wederstrandt, and Winchester*, voted in favor of the adjournment—43 yeas; and

Messrs. *Bourg, Brazeale, Brent, Carriere, Chambliss, Chinn, Derbes, Garrett, Guion, Hudspeth, Humble, Hynson, King, Legendre, Lewis, O'Bryan, Peets, Penn, Porter, Preston, Scott of Feliciana, Sellers, Taylor of St. Landry, Trist, Waddill, and Winder*, voting against the adjournment—26 nays; consequently the motion prevailed, and the Convention adjourned till to-morrow at 11 o'clock a. m.

NOTE.—Members absent, Messrs. Winkoff, and Porche on leave.

FRIDAY, 24th January, 1845.

The Convention met pursuant to adjournment, and its proceedings were opened by prayer, from the Rev. Mr. WARREN.

Mr. DUNN moved that the claim of Mr. Robert Perry, for furnishing awnings to the Convention while at Jackson, and for the transportation of furniture from Jackson to New Orleans, be referred to the committee on contingent expenses; his motion was adopted.

Mr. WEDERSTRANDT offered the following resolution, which was read and adopted:

“Resolved, That the serjeant at arms be directed to remove the bar in the rear of the hall, so that members may have space to pass around from one to the other side of the hall.”

Mr. SPLANE moved that a committee of three be appointed, to contract with two newspapers of the city, to give a synopsis of the debates, questions, their decisions, and the yeas and nays thereon, of the Convention.

Mr. GUION moved to lay the same on the table, subject to call, and his motion prevailed.

Mr. GUION gave notice that he would introduce a rule to permit any member of

the Convention to move for the re-consideration of a question on which a division was equal.

ORDER OF THE DAY.

ARTICLE SECOND OF THE CONSTITUTION OF 1812.

SEC. 5. Elections for representatives for the several counties entitled to representation, shall be held at the places of holding their respective courts, or in the several election precincts, into which the legislature may think proper, from time to time, to divide any or all of those counties.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 5. Election for representatives for the several parishes, or representative districts, entitled to representation, shall be held at the several election precincts established by law, and which the legislature, having in view the convenience of the voters, may from time to time establish; provided, that the legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

On motion of Mr. DOWNS, the fifth section of article second, as reported by the committee, was adopted.

Mr. BRENT moved to lay on the table, subject to call, the sixth and seventh sections of article second, as reported by the committee, and that the Convention proceed to the consideration of the eighth section of said article; his motion prevailed.

ARTICLE SECOND, AS REPORTED.

SEC. 8. In all elections for representatives, every free white male citizen of the United States who, at the time being, hath attained the age of twenty-one years, and resided in the State two years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting. Electors shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, or going to, or returning from elections.

Mr. MAYO offered, as a substitute to the above section, the eighth section of the same article, as reported by the minority, with an additional proviso, viz:

ARTICLE SECOND, AS REPORTED BY THE MINORITY.

SEC. 8. Every free white male citizen of the United States, of the age of twenty-one years, or upwards, who shall have re-

sided in this State one year next preceding the election, and the last six months thereof in the parish or district in which he offers to vote, shall be deemed a qualified elector, and be entitled to vote in the parish or district where he actually resides, for each and every officer made elective by the people, under this State or the United States. Provided, that no person in the military, naval or marine service of the United States shall be considered a resident in this State, by being stationed in any garrison, barracks, or military or naval place or station within the State; and no person under interdiction, or person convicted for any crime punishable by imprisonment in the penitentiary, unless pardoned or restored by law, to the rights of suffrage, shall enjoy the right of an elector. Electors shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, and returning from the polls.

Mr. GRYMES moved to amend the substitute by striking out the proviso; his motion was lost.

Mr. BOUDOUSQUIE then moved to lay the substitute indefinitely on the table, and called for the yeas and nays; and

Messrs. *Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dunn, Grymes, Garrett, Guion, Hudspeth, King, Labaue, Legendre, Lewis, Marigny, Mazureau, Pugh, Roman, Roselius, St. Amand, Saunders, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth, Wederstrandt, Winchester and Winder*, voted in favor of the motion—40 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Downs, Eustis, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Madison, Soule, Splane and Waddill*, voted against the motion—28 nays; consequently the same was carried.

Mr. VOORHIES moved to amend the said eighth section, article second, by inserting the word "*consecutive*" after the words "*resided in the State two,*" which amendment was adopted.

Mr. GARRETT moved to strike out from said section eighth, article second, the words, "*State two years next preceding the election, and the last year thereof in the parish in which he offers to vote,*" and insert, in lieu thereof, the words, "*parish in which he offers to vote, one year next preceeding the election.*"

Mr. GRYMES moved for a division, that is, the Convention shall first proceed to strike out, and called for the yeas and nays.

On motion of Mr. RATLIFF, to adjourn the Convention, till Monday next at 11 o'clock, a. m., the yeas and nays being called, resulted as follows:

Messrs. Auburt, Cenas, Claiborne, Conrad of Jefferson, Culbertson, Dunn, Grymes, King, Labauve, Marigny, Mazureau, Ratliff, Read, Roman, Roselius, St. Amand, Scott of Baton Rouge, and Winchester voted in the affirmative—18 yeas; and

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Covillion, Derbes, Downs, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Ledoux, Legendre, Leonard, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Saunders, Scott of Feliciana, Scott of Madison, Sellers, Soulè, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Waddill, Wadsworth, Wederstrandt and Winder, voted in the negative—51 nays; the motion was consequently lost.

On motion the Convention adjourned, till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent, Messrs. Kenner, Porche on leave, and Wikoff.

SATURDAY, January 25, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings with prayer.

The PRESIDENT submitted to the Convention, the following letter from Messrs. J. M. W. Picton, L. Mathews, and Charles Harrod, members of the Committee on Public Schools of Municipality No. 2, viz: *Public Schools of Municipality No. 2.*

NEW ORLEANS, 24th January, 1845.

Gentlemen: You are respectfully invited to attend the annual examination of the public schools of Municipality No. 2.

The examination of the primary departments will take place on Monday, 27th instant, commencing at 9 A. M.

The intermediate departments and "High School" on Tuesday and Wednesday, 28th and 29th instant, commencing at 9 A. M.

On the above mentioned days the examination will take place in the respective school rooms, and on Thursday the 30th, the pupils of the schools will be assembled in the church on Lafayette square, at half past 10 A. M., to engage in the exercise of declamation, composition, and vocal music:

By order of the Board:

(Signed) J. M. W. PICTON, }
L. MATHEWS, } Com.
CHARLES HARROD, }

In compliance with notice, Mr. GUION submitted for the consideration of the Convention the following rule, and the same was adopted:

"On giving two days' notice of the time for the reconsideration of a decision on a provision of the constitution whether the decision shall have been by a majority or by an equal division, any member of the Convention shall have the right to move for the reconsideration, no matter on which side his vote may have been cast."

Mr. WADSWORTH, chairman of the committee to whom was referred the question relative to the reporter and printer of the Convention, submitted the following resolution, viz:

The committee to whom was referred the question relative to the reporter and printer of the Convention, submit the following resolution:

"Resolved, That an additional reporter, in English, be appointed, and a city paper be contracted with, under the superintendence of a committee appointed by the president of the Convention, to furnish five copies of its paper to each member of the Convention, containing the debates and proceedings of this body."

Mr. BRENT offered to the above the following substitute, viz:

Whereas, it is evident, that from some cause or other, the printer who has been elected by this Convention is unable to discharge properly the duties incumbent on him, and whereas, he has so far entirely failed to furnish us with three numbers of his paper per week according to agreement, Therefore be it

Resolved, That J. A. Kelly be discharged from his office of printer to this Convention, and that he be paid for such services as he has performed, and that the committee on contingent expenses be instructed to audit and settle his accounts, and make report thereof to the Convention.

Resolved, That we proceed to the election of a printer, whose compensation shall be the same as were awarded to Mr. Kelly.

Mr. TAYLOR of Assumption, moved to recommit the report to the special committee, with instructions to report what contract or contracts have been entered into with the printer to the Convention, and in what manner he has performed his contract or contracts, and called for the ayes and nays, which resulted as follows;

Messrs. Beatty, Boudousquie, Bourg, Briant, Brumfield, Burton, Cenas, Chinn, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Grymes, Garrett, Guion, Hudspeth, King, Legendre, Lewis, McCallop, Mazureau, O'Bryan, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Roman, Roselius, Saunders, Scott of Feliciana, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wadsworth, Wederstrandt, Wikoff, Winchester and Winder voted in the affirmative—forty yeas; and

Messrs. Brazeale, Brent, Cade, Carriere, Covillion, Downs, Humble, Hynson, Ledoux, McRae, Marigny, Mayo, Peets, Penn, Porter, Prescott of Avoyelles, and Voorhies voted in the negative—seventeen nays; the motion was therefore carried.

Mr. PEETS offered the following resolution which was read and adopted:

Resolved, That the door keeper be instructed to prepare suitable seats on the right hand side of the bar, for the special accommodation of the ladies, who may wish to attend the deliberations of the Convention."

Mr. PEETS offered the following resolution, which was read and adopted:

Resolved, That the special committee appointed to examine into the causes of the printer of this Convention having failed to comply with his contract, be instructed to report on Monday next."

On motion, leave of absence was granted to Messrs. Aubert, Dunn, Scott of Baton Rouge, Labauve, and Read.

On motion, the Convention adjourned till Monday next, at 11 o'clock A. M.

NOTE.—Members absent, Messrs. Aubert on leave—Dunn on leave, on account of affliction in his family—Kenner, Leonard, Labauve, on leave—Porche on leave—Read on leave—St. Amand, Scott of Baton Rouge, on leave—Scott of Madison, Soulé and Trist.

MONDAY, January 27, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. TWITCHARD opened the proceedings by prayer.

Mr. WADSWORTH, chairman of the committee to whom was referred the resolution in relation to the printer and reporter of the Convention, made the following report, viz., and moved the adoption:

The committee to whom was referred the resolution in relation to the printer and reporter of the Convention, and who were charged to enquire into the contract made with said printer, and whether he had complied with the same, respectfully report—

That the only contract made with said printer is to be found in a resolution adopted by the Convention on the 10th of August, 1844, and the bond executed by said printer on the 14th of August, 1844; a copy of said resolution and said bond are hereto annexed as part of this report.

Your committee further report that James A. Kelly, printer of the Convention, has failed to comply with the terms of his contract, in this, that he has not furnished the members of the Convention with ten copies each of his paper, called the Louisiana Reporter, three times a week—and further, that he has not printed and published the reports of the debates of the Convention of Saturday 18th, and Monday 20th instant, though they were furnished to him (with the exception of a small portion of Monday's debates,) on Monday, the 20th inst.

Your committee therefore recommend the adoption of the following resolutions:

Resolved, That JAMES A. KELLY be dismissed from the appointment of printer to the Convention, and that the Convention do proceed forthwith to the election of another printer to the Convention, whose compensation shall be at the same rate as those heretofore awarded to said J. A. Kelly.

Resolved, That the committee on contingent expenses be instructed to adjust the accounts of said James A. Kelly for print-

ing done by him, and to report the same to the Convention.

STATE OF LOUISIANA, }
Parish of Feliciana. } (Bond.)

Know all men by these presents, that I, James A. Kelly, as principal, and _____ as security, do acknowledge ourselves to be jointly and severally indebted unto A. Mouton, governor of the State of Louisiana, or his successors in office, in the sum of one thousand dollars, lawful money of the United States, the payment whereof, well and truly to be made unto the said governor, or his successors in office, we, and each of us, bind ourselves firmly, jointly and severally by these presents, dated this 14th day of August, 1844.

The condition of the above bond is such that whereas, the Convention now sitting in the town of Jackson, to revise, alter, or amend the constitution of Louisiana, did on the 10th inst., by resolution, order the subscription to seven hundred and seventy-seven copies to the Louisiana Reporter, at the aggregate price of fifteen hundred dollars—to be furnished to the members of said Convention until the whole proceedings and debates thereof shall be published—and whereas the said Convention, by a resolution adopted on the 12th inst., ordered that the sum of one thousand dollars be advanced to the said J. A. Kelly, (being the proprietor of said paper) on account of said subscription, on condition that he should give bond and security to the satisfaction of the president of the Convention for the faithful performance of his duties.

Now, therefore, if the above bound J. A. Kelly shall well and truly perform his duties, and fulfil the engagements to publish in French and English, the journal and debates of the Convention, three times per week, and furnish each member thereof with ten copies of each number of said paper, in French and English, at the rate of three times per week, according to the true intent and meaning of said resolution, or in default thereof pay all such damages and costs as may be sustained by reason of said failure, and return unto the treasury of the State of Louisiana, the said sum of one thousand dollars.—Then this obligation to be null and void, or else remain in full force and virtue in law.

(Signed) J. A. KELLY,
GEO. HENDERSON.

HORATIO DAVIS, }
JAS. CARPENTER, } Witnesses.

Bond approved, Jackson, La., August 14, 1844. (Signed)

JOSEPH WALKER,
President of the Convention of the
State of Louisiana.

[Resolution adopted Aug. 10, 1844.]

Resolved, That the journal and debates of the Convention be printed by the printer of the Convention in the form directed by the rules, in English and French, separately, at least three times a week, and oftener if it be necessary to keep up with the proceedings of the Convention, and that each member of the Convention be furnished with ten copies of the journals and debates for distribution among his constituents, each member to select copies in either language be amended by saying "ten copies of the paper," instead of "the journals;" said amendment was adopted, and the resolution was adopted as amended.

Mr. GARRETT moved that the adoption of the report and resolutions be postponed until Thursday next, and called for the ayes and nays; and

Messrs. Bourg, Briant, Brumfield, Burton, Chinn, Claiborne, Culbertson, Derbes, Dunn, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Lewis, Pugh, Ratliff, Roman, St. Amand, Saunders, Scott of Madison, Sellers, Taylor of St. Landry, Waddill and Wederstrandt voted in the affirmative, twenty-six ayes; and

Messrs. Brazeale, Brent, Cade, Carriere, Cènas, Chambliss, Covillion, Downs, Humble, Hynson, Legendre, Leonard, McCulloch, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Soulè, Splane, Stephens, Taylor of Assumption, Trist, Voorhies and Wikoff voted in the negative, thirty-seven nays; consequently the motion was lost.

Mr. DOWNS moved for a division, that is, the Convention first proceed to the adoption of report; his motion prevailed. He then called for the yeas and nays on the adoption of the report, and

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Cènas, Chambliss, Covillion, Culbertson, Downs, Garcia, Humble, Hynson, Kenner, Legendre, Leonard, Lew-

is, McCallop, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, Roman, Roselius, Scott of Baton Rouge, Scott of Feliciana, Soulé, Splane, Taylor of Assumption, Trist, Voorhies, Waddill, Wadsworth and Wikoff voted for the adoption—forty-three yeas; and

Messrs. Bourg, Briant, Brumfield, Chinn, Derbes, Dunn, Garrett, Guion, Hudspeth, King, Ratliff, St. Amand, Saunders, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, and Wederstrandt voted against the adoption—eighteen nays; consequently the same was adopted.

Mr. DOWNS moved to amend the first resolution by inserting "two" printers, one to print in English and one to print in French.

Mr. BEATTY offered the following proviso to the first resolution:

“Provided, That each of said gazettes so chosen, shall receive five hundred dollars only for ten copies of their paper, to be furnished to each member of the Convention three times a week at least, during the sittings of the Convention.

And the yeas and nays being called for on the amendment and proviso, resulted as follows:

Messrs. Beatty, Brazeale, Brent, Brumfield, Carriere, Chambliss, Covillion, Downs, Eustis, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Trist, Waddill, Wederstrandt and Wikoff voted in the affirmative—thirty-eight yeas; and

Messrs. Benjamin, Briant, Burton, Cade, Cénas, Chinn, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Legendre, Lewis, Mazureau, Pugh, Ratliff, Roman, St. Amand, Saunders, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies and Wadsworth voted in the negative—twenty-nine nays; the motion was carried.

Mr. RATLIFF moved that the whole matter under consideration be laid on the table subject to call, and called for the yeas and nays; and

Messrs. Barton, Chinn, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garrett,

Guion, King, Pugh, Ratliff, Roman, St. Amand, Saunders, Scott of Madison, Taylor of St. Landry, and Wederstrandt voted in favor of the motion—eighteen yeas; and

Messrs. Beatty, Benjamin, Brazeale, Brent, Briant, Brumfield, Cade, Carriere, Cénas, Chambliss, Conrad of Orleans, Covillion, Downs, Eustis, Grymes, Humble, Hynson, Ledoux, Legendre, Leonard, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wadsworth and Wikoff voted against the motion—forty-seven nays; the motion was lost.

Mr. DOWNS moved for the adoption of the first resolution as amended.

Mr. KENNER moved for a division, that is, the Convention first proceed on the first part of the resolution dismissing the printer, his motion prevailed; he then called for the yeas and nays on the adoption of the first part of the first resolution, dismissing the printer, which resulted as follows:

[Previous to the question being taken, Mr. King, with leave, read a certificate signed by six of the hands employed by Mr. Kelly, in the office of the Louisiana Reporter.]

Messrs. Beatty, Benjamin, Brazeale, Brent, Cade, Carriere, Cénas, Chambliss, Conrad of New Orleans, Covillion, Downs, Eustis, Garcia, Humble, Hynson, Ledoux, Legendre, Leonard, Lewis, McCallop, McRae, Marigny, Mazureau, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Splane, Taylor, of Assumption, Voorhies, Waddill, Wadsworth and Wikoff, voted in the affirmative—45 yeas; and

Messrs. Briant, Brumfield, Burton, Chinn, Conrad of Jefferson, Culbertson, Derbes, Dunn, Grymes, Garrett, Guion, Hudspeth, Kenner, King, Pugh, Ratliff, Roman, St. Amand, Saunders, Scott of Madison, Taylor of St. Landry, Wederstrandt and Winchester, voted in the negative—23 nays; the motion was carried.

Mr. RATLIFF offered the following resolution:

Resolved, That a committee of five be

appointed by the president, whose duty it shall be to enquire and ascertain of the various printing presses of this city, what will be the cost to furnish ten copies of their daily paper, containing the proceedings of the Convention, as fast as furnished them by the reporter, and that said committee be instructed to obtain the cost of printing, in book-form, well bound, the whole of the proceedings of this Convention, and *all such* other facts in relation to the printing of this Convention as to them may be deemed necessary, and report the result of their labors as early as practicable.

Mr. BEATTY moved for the previous question, and called for the yeas and nays. The president put the question, shall the previous question be put? And

Messrs. *Beatty, Bourg, Brazeale, Brent, Briant, Brumfield, Cade, Carriere, Chambliss, Cenas, Conrad of New Orleans, Conrad of Jefferson, Covillion, Downs, Eustis, Garcia, Grymes, Humble, Hynson, Legendre, Leonard, McCallop, McRae, Mayo, Mazureau, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Roman, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soule, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wadsworth and Wikoff*, voted in the affirmative—49 yeas; and

Messrs. *Burton, Chinn, Culbertson, Derbes, Dunn, Garrett, Guion, Hudspeth, Kenner, King, Lewis, Pugh, Ratliff, Roselius, St. Amand, Scott of Madison, Taylor of St. Landry, Wederstrandt and Winchester* voted in the negative—19 nays; consequently the motion was carried.

On motion of Mr. DOWNS, the latter part of the first resolution, as amended, was adopted.

On motion of Mr. LEWIS, the second resolution was adopted.

Mr. BRENT moved that the Convention proceed to the election of French Printer.

Mr. CULBERTSON moved to amend the above resolution, "that the Convention proceed to the election of both of the printers, the French and English, at the same time, which motion was adopted.

Mr. DOWNS moved for a division, that is, that the Convention proceed to the election of each printer separately, and his motion prevailed.

The Convention then proceeded to the election of the French printer.

Seventy members present.

Mr. CENAS nominated Jerome Bayon.

Mr. CHINN nominated Mr. Magne.

On motion, the president appointed Messrs. Culbertson and Downs tellers.

On counting the votes, it appeared that

Jerome Bayon obtained	40 votes.
Messrs. Magne & Weise,	29
Blank,	1
	—
	70 votes.

Mr. Jerome Bayon having obtained 40 votes, was proclaimed by the president duly elected printer in French to the Convention.

On motion of Mr. GUION, the Convention proceeded to the election of the printer in English, and nominated Mr. McCardle.

Mr. READ nominated Besançon, Ferguson & Co.

Seventy members present.

The PRESIDENT appointed the same tellers.

On counting the votes, it appeared that

Messrs. Besançon, Ferguson & Co. obtained,	36 votes.
M'Cardle,	31
Magne,	1
Blank,	2
	—
	70 votes.

Messrs. Besançon, Ferguson & Co., having obtained 36 votes, were proclaimed by the president duly elected printers in English to the Convention.

Mr. DOWNS offered the following resolution, and the yeas and nays were called for:

Resolved, That the Convention now proceed to elect an additional reporter in English, to act with the present reporter, so as to ensure an easy publication of the proceedings.

Messrs. *Benjamin, Brent, Cenas, Downs, Dunn, Eustis, Humble, Ledoux, Lewis, McCallop, McRae, Mayo, Penn, Roselius, Saunders, Scott of Baton Rouge, Splane, Taylor of Assumption and Voorhies* voted in the affirmative—18 yeas;

Messrs. *Beatty, Bourg, Brazeale, Briant, Brumfield, Burton Cade, Carriere, Chambliss, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Garcia, Garrett, Guion, Hudspeth, Hynson, Kenner, King,*

Legendre, Leonard, Marigny, Mazurcau, O'Bryan, Porter, Prescott of Avoyelles, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, St. Amand, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, Trist, Waddill, Wederstrandt and Winchester, voting in the negative—46 nays, the motion was lost.

On motion of Mr. GUION, leave of absence was granted to Mr. WINDER.

The president submitted to the Convention a letter from Mr. J. A. Kelly, asking for a copy of the proceedings of the Convention, relating to him, and the same was read.

On motion, the Convention adjourned till to-morrow at 11 o'clock a. m.

NOTE.—Members absent, Messrs. Aubert on leave, Boudousquie, Labauve on leave, and Porche on leave.

TUESDAY, January 28, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. BEADLE opened the proceedings by prayer.

Mr. RATLIFF, chairman of the committee on contingent expenses, presented the following resolution:

“Resolved, That the sum of seventy-six dollars and thirty-three cents be allowed Robert Perry, in full, for the transporting of the furniture of the Convention, at Jackson, to the Mississippi river, after the adjournment at that place, and for the balance of his account for furnishing an awning for the use of the Convention at Jackson.”

On motion of Mr. SAUNDERS, the said resolution was adopted.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 8 “In all elections for representatives, every free white male citizen of the United States who, at the time being, hath attained the age of twenty-one years, and resided in the State two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting; electors shall in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, or going to or returning from elections.”

Mr. GARRETT moved to “strike” out from

said eighth section, article second, the words *“State two years next preceeding the election, and the last year thereof in the Parish in which he offers to vote,”* and insert in lieu thereof the words *“parish in which he offers to vote, one year next preceeding the election.”*

Mr. GUION moved a division, that is, the Convention first proceed to “strike out;” his motion prevailed for the division, and pending the discussion the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent, Messrs. Aubert on leave, Labauve on leave, Porche on leave, and Winder on leave.

WEDNESDAY, January 29, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. BEATTY opened the proceedings by prayer.

On motion, leave of absence was granted to Messrs. Penn and Saunders.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 8. “In all elections for representatives, every free white male citizen of the United States who, at the time being, hath attained the age of twenty-one years, and resided in the State two consecutive years, next preceeding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting; electors shall in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, or going to or returning from elections.”

The Convention resumed the debate on the question to “strike out” from said eighth section, article second, the words *“State two years next preceeding the election, and the last year thereof in the Parish in which he offers to vote.”*

And pending the discussion the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent, Messrs. Aubert, Penn, Porche, Saunders and Winder, all absent on leave.

THURSDAY, January 30, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings by prayer.

On motion of Mr. SCOTT of Baton

Rouge, leave of absence was granted to Mr. McCALLOP.

The PRESIDENT submitted to the Convention a letter of invitation from Mr. M. M. Cohen, president of the People's Lyceum, and the same, after being read, was accepted.

Mr. DUNN moved that the invitation of the committee of the Public Schools of Municipality No. 2, be accepted; his motion prevailed.

Mr. ROSELIUS moved that the Convention attend, in a body, the examination of the said Public Schools, and the yeas and nays being called for, resulted as follows:

Messrs. *Benjamin, Bourg, Briant, Burton, Cenas, Chinn, Claiborne, Culbertson, Dunn, Hynson, Kenner, King, Labauve, Leonard, Marigny, Mayo, Mazureau, Prescott* of Avoyelles, *Prescott* of St Landry, *Preston, Raliff, Roselius, Splane, Trist, Waddill* and *Wederstrandt* voted in the affirmative—27 ayes; and

Messrs. *Beatty, Brazeale, Brent, Brumfield, Cade, Carriere, Chambliss, Covillion, Derbes, Eustis, Grymes, Garrett, Guion, Hudspeth, Humble, Lewis, McRae, O'Bryan, Porter, Prudhomme, Pugh, Read, Roman, St. Amand, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Stephens, Taylor* of Assumption, *Taylor* of St. Landry, *Voorhies, Wikoff* and *Winder* voted in the negative—34 nays; consequently the motion was lost.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 8. In all elections for representatives, every free white male citizen of the United States who, at the time being, hath attained the age of twenty-one years, and resided in the State two years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting. Electors shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, or going to, or returning from elections.

The question under consideration was the motion to strike out the words "State two years, and the last year thereof in the parish in which he offers to vote."

And pending the discussion,

Mr. BURTON offered the following substitute, viz:

"In all elections for representatives, every free white male citizen of the United States, who, at the time being hath attained the age of twenty-one years, and resided in the parish or district in which he offers to vote, the last year next preceding the election, shall have the right of an elector.—Electors shall in all cases, except treason, felony, breach or surety of peace, be privileged from arrest during their attendance at, going to, or returning from elections."

Mr. KENNER moved for the previous question.

The PRESIDENT then put the question, shall the main question be now put; the yeas and nays being called for, resulted as follows:

Messrs. *Benjamin, Boudousquie, Bourg, Brazeale, Carriere, Cenas, Chinn, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Dunn, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Prescott* of Avoyelles, *Prescott* of St. Landry, *Pugh, Raliff, Roman, Roselius, St. Amand, Scott* of Feliciana, *Sellers, Soule, Stephens, Taylor* of Assumption, *Taylor* of St. Landry, *Trist, Wikoff, Winchester* and *Winder* voted in the affirmative—42 yeas; and

Messrs. *Beatty, Brent, Brumfield, Burton, Cade, Chambliss, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, Leonard, McRae, Mayo, O'Bryan, Peets, Porter, Preston, Read, Scott* of Baton Rouge, *Splane, Waddill* and *Wederstrandt* voted against the motion—24 nays; the motion was carried.

On the motion to strike out the words "State two years, and the last year thereof in the parish in which he offers to vote," the yeas and nays being called, resulted as follows:

Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, Leonard, McRae, Mayo, O'Bryan, Peets, Porter, Preston, Read, Sellers, Splane, Waddill* and *Wederstrandt* voted in favor of the motion—23 yeas; and

Messrs. *Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Carriere, Cenas, Chinn, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Dunn, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau,*

Prescott of Avoyelles, *Prescott* of St. Landry, *Pugh*, *Ratliff*, *Roman*, *Roselius*, *St. Amand*, *Scott* of Baton Rouge, *Scott* of Feliciana, *Soulè*, *Stephens*, *Taylor* of Assumption, *Taylor* of St. Landry, *Trist*, *Wickoff*, *Winchester* and *Winder* voted against the motion—44 nays; the same was lost.

Mr. KENNER offered the following proviso to the said 8th section, of article 2d:

Provided, that no person shall be permitted to vote who is of unsound mind, or who has been convicted of any felony or of any infamous crime; and provided, also, that each citizen shall vote only in the parish in which he resides, and if he lives in the cities of New-Orleans and Lafayette, he shall vote only in the ward in which he resides.

On motion the Convention adjourned, till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent, Messrs. Aubert, McCallop, Penn, Porche and Saunders; all absent on leave.

FRIDAY, January 31, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. RANNEY opened the proceedings by prayer.

On motion of Mr. WEDERSTRANDT, leave of absence was granted Mr. Ratliff.

Mr. SELLERS obtained leave to change his vote given on yesterday on the previous question.

ORDER OF THE DAY.

ARTICLE SECOND.

SEC. 8. In all elections for representatives, every free white male citizen of the United States who, at the time being, hath attained the age of twenty-one years, and resided in the State two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting. Electors shall in all cases, except treason, felony, breach or surety of peace, be privileged from arrest during their attendance at, or going to, or returning from elections.

On motion of Mr. DOWNS, the above 8th section of article 2d was adopted.

Mr. ROMAN offered the following additional section, viz:

"It shall be the duty of the general assembly to provide by law for the registration, at least three months before every general election, of all the qualified voters

of the State, in the several parishes in which they actually reside. No person shall be entitled to vote except in the parish of his residence, and if the parish is divided into election precincts or wards, in the election precinct or ward where he resides, and except his name shall have been recorded in the last registry made previous to the election."

On motion of Mr. DOWNS, said section was ordered to be printed and made the order of the day for Wednesday next.

Mr. CLAIBORNE offered the following as the 9th section, viz:

SEC. 9. In all cases where persons offering to vote shall be naturalized citizens, the residence of two years in the State, required by the preceding section, shall commence from or after the date of their naturalization.

On motion of Mr. GUION said section was ordered to be printed and made the order of the day for Wednesday next.

Mr. Taylor of Assumption, submitted the following section, viz:

"Absence from the State shall interrupt the residence in the preceding section, unless the person absenting himself shall be a house keeper, and his dwelling house shall be actively and exclusively occupied during his absence by his family, or some portion thereof."

On motion of Mr. TAYLOR of Assumption, the same was ordered to be printed and laid on the table subject to call.

On motion of Mr. BENJAMIN the 4th section of article 2d, as reported by the committee, was called up.

ARTICLE SECOND.

SEC. 4. No person shall be a representative who, at the time of his election, is not a free white male citizen of the United States, and hath not attained the age of twenty-one years, and resided in the State two years next preceding his election, and the last year thereof in the parish for which he may be chosen.

On motion of Mr. SCOTT of Baton Rouge, said 4th section of article 2d was laid on table, subject to call.

Mr. CLAIBORNE moved to add "until the right of suffrage be disposed of," and his motion prevailed.

On motion of Mr. SCOTT of Feliciana, the 7th section of article 2d, as reported by the committee, was called up.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 7. The house of representatives shall choose its speaker and other officers.

On motion of Mr. Scott of Feliciana, said 7th section was adopted.

On motion of Mr. Lewis the Convention took up the 6th section of article 2d, as reported by the committee.

ARTICLE SECOND.

SEC. 6. Representations shall be equal and uniform in this State; each parish shall have at least one representative, and beyond that, if entitled to any more, in proportion to the population of each, ascertained and calculated according to the principle of representation adopted in the constitution of the United States. The first representation under this constitution shall continue until after the next United States census in 1850, and shall be as follows:

The parish of Plaquemines	Members.	
shall have one member,	1	
The parish of St. Bernard,	1	
“ Orleans—		
First Municipality,	5	} 12
Second do	4	
Third do	3	
That part of the parish of Orleans on the east bank of the river Mississippi,	1	
The parish of Jefferson,	2	
“ St. Charles,	1	
“ St. John the Baptist,	1	
“ St. James,	2	
“ Ascension,	1	
“ Assumption,	2	
“ Lafourche Interior,	3	
“ Terrebonne,	1	
“ Iberville,	1	
“ West Baton Rouge,	1	
“ East “ “	2	
“ West Feliciana,	2	
“ East “ “	2	
“ St. Helena,	1	
“ Livingston,	1	
“ Washington,	1	
“ St. Tammany,	1	
“ Pointe Coupée,	1	
“ Concordia,	1	
“ Tensas,	1	
“ Madison,	1	
“ Carroll,	1	
“ Franklin,	1	
“ St. Mary,	1	
“ St. Martin,	2	

The parish of St. Landry,	4
“ Vermillion,	1
“ Lafayette,	1
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	2
“ Natchitoches,	2
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1

Total, 72

As soon as may be after the United States census of 1850 shall have been taken and promulgated, and every ten years thereafter, the number of representatives shall be fixed and apportioned according to the principles of this section, so as not to be less than seventy nor more than one hundred, and whenever a new parish shall be created, a separate representation shall at the same time be provided for it, which shall continue until the next decimal apportionment.

Mr. MARIGNY moved to strike out and including the words, “*the first representation under this constitution,*” to the end of the section. Pending the discussion on this motion,

Mr. BENJAMIN moved to refer the said section 6th of article 2d, to a committee of twelve, composed of three members from each congressional district; and pending the discussion,

Mr. DUNN moved that the Convention adjourn till Monday next at 11 o'clock A. M., and the yeas and nays being called for, resulted as follows:

Messrs. Bourg, Chinn, Downs, Dunn, Grymes, Garrett, Guion, Leonard, Mayo, Pugh, Read, St. Amand, Scott of Baton Rouge, Taylor of Assumption, Trist, Voorhies and Waddill voted in favor of the adjournment—17 yeas; and

Messrs. Benjamin, Boudousquie, Brazeale, Brent, Briant, Burton, Cade, Carriere, Cénas, Chambliss, Claiborne, Conrad of Jefferson, Covillion, Culbertson, Derbes, Eustis, Hudspeth, Humble, Hynson, King,

Labauve, Ledoux, Legendre, Lewis, McRae, Marigny, Mazureau, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Roman, Roselius, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of St. Landry, Wadsworth, Wederstrandt, Wikoff, Winchester and Winder voted against the adjournment--48 nays; the motion was lost.

Mr. DOWNS then moved that the Convention adjourn till to-morrow at 11 o'clock A. M., and the yeas and nays being called for,

Messrs. Benjamin, Bourg, Brent, Burton, Cade, Carriere, Cénas, Chambliss, Conrad of Jefferson, Covillion, Culbertson, Downs, Dunn, Garrett, Guion, Humble, Legendre, Leonard, McRae, Marigny, Mayo, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Wikoff and Winder voted in the affirmative--42 yeas; and

Messrs. Boudousquie, Brazeale, Briant, Derbes, Hudspeth, Hynson, King, Labauve, Lewis, Marigny, Peets, Roman, Splane, Taylor of St. Landry, and Winchester voted in the negative--15 nays; consequently the motion was carried.

NOTE.—Members absent, Messrs. Aubert, McCallop, Penn, Porche, Ratliff and Saunders, all absent on leave.

SATURDAY, FEBRUARY 1, 1845.

Mr. DOWNS called the Convention to order at the hour appointed for the meeting at the last adjournment; he informed the Convention that the president, Mr. WALKER, was very ill, and unable to attend.

Mr. SCOTT of Baton Rouge, moved that Mr. CHINN be calleed to the chair, and that he preside throughout the day.

The Rev. Mr. NICHOLSON opened the proceedings by prayer.

On motion, leave of absence was granted to Messrs. Bourg, Waddill, Pugh and Guion.

On motion of Mr. DUNN the chairman *pro tempore* was authorised to sign the warrants on the treasury of State for the pay of the members, &c.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 6. "Representation shall be equal and uniform in this State; each parish shall have at least one representative, and beyond that, if entitled to any more, in proportion to the population of each, ascertained and calculated according to the principle of representation adopted in the constitution of the United States.

The first representation under this constitution shall continue until after the next United States census, in 1850, and shall be as follows:

The parish of Plaquemines shall have	
one member,	1
The parish St. Bernard,	1
“ Orleans,	
First Municipality	5
Second “	4
Third “	3
} 12	
The Parish of Orleans, on the east bank of the river Mississippi,	1
The parish of Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	1
“ Assumption,	2
“ Lafourche Interior,	3
“ Terrebonne,	1
“ Iberville,	1
“ West Baton Rouge,	1
“ East “	2
“ West Feliciana,	2
“ East “	1
“ St. Helena,	1
The parish of Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupeé,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	1
“ St. Martin,	2
“ Vermillion,	1
“ Layfayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	2
“ Natchitoches,	2

Parish of	Sabine,	1
"	Caddo,	1
"	De Soto,	1
"	Ouachita,	1
"	Morehouse,	1
"	Union,	1
"	Caldwell,	1
"	Catahoula,	1
"	Claiborne,	1
"	Bossier,	1
Total,		72

As soon as may be after the United States census of 1850 shall have been taken and promulgated, and every ten years thereafter, the number of representatives shall be fixed and apportioned according to the principles of this section, so as not to be less than seventy, nor more than one hundred; and whenever a new parish shall be created a separate representation shall at the same time be provided for it, which shall continue until the next decimal opportunity."

And pending the discussion on the motion of Mr. BENJAMIN, to refer the said section to a special committee of twelve, composed of the members from each of the congressional districts, the Convention adjourn till Monday next, at 11 o'clock a. m.

NOTE.—Members absent, Messrs. Boudousquie, Bourg on leave, Kenner, McCallop on leave, Penn on leave, Porche on leave, Pugh on leave, Ratliff on leave, Roman, St. Amand, Saunders on leave, Taylor of Assumption, Trist, Waddill on leave, and Winchester.

MONDAY, FEBRUARY 3, 1845.

The Convention met pursuant to adjournment; Mr. CHINN in the chair.

The Rev. Mr. PRESTON opened the proceedings by prayer.

On motion of Mr. SCOTT of Baton Rouge, Mr. CHINN was continued in the chair during the illness of the president of the Convention.

Mr. BRENT offered the following resolution:

"Resolved, That when the Convention adjourns to-day at the usual hour for dinner, that it shall adjourn to meet again at 7 o'clock p. m.; and that until further action be had, it shall continue to meet at that hour every evening, except those evenings when the use of the hall has been reserved by the proprietor, according to the contract with the Convention."

The yeas and nays being called for, resulted as follows:

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Conrad of New Orleans, Covillion, Downs, Garcia, Humble, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prudhomme, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Trist, Waddill and Wederstrandt, voted in the affirmative—32 yeas; and

Messrs. Aubert, Benjamin, Brumfield, Cenas, Claiborne, Conrad of Jef., Derbes, Dunn, Garrett, Hudspeth, Hynson, Kenner, King, Legendre, Leonard, Lewis, McCallop, Mazureau, Porche, Prescott of St. Landry, Roman, Roselius, St. Amand, Taylor of Assumption, Taylor of St. Landry, Voorhies and Winder voted in the negative—27 nays; consequently the resolution was adopted.

Mr. READ offered the following resolution:

"Resolved, That an additional reporter be appointed to aid in reporting the proceedings of the Convention in the English language."

Mr. BEATTY moved to amend the above resolution, by adding that an "additional reporter in French should be appointed."

Mr. CLAIBORNE moved that the resolution and amendment be laid on the table indefinitely, and called for the yeas and nays; and

Messrs. Aubert, Beatty, Cade, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Garrett, Hudspeth, Hynson, Kenner, King, Labauve, Legendre, Leonard, Lewis, Marigny, Mazureau, Porche, Prescott of Avoyelles, Prudhomme, Roman, St. Amand, Sellers, Soule, Taylor of St. Landry and Trist, voted in favor of the motion—30 yeas; and

Messrs. Benjamin, Brazeale, Brent, Burton, Carriere, Cenas, Chambliss, Downs, Dunn, Eustis, Garcia, Humble, McCallop, McRea, Mayo, Peets, Porter, Prescott of St. Landry, Preston, Read, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, Wederstrandt and Winder voted in the negative—32 nays; the motion was lost.

Then the yeas and nays being called for on the amendment of Mr. Beatty to "appoint

an additional reporter in French," resulted as follows :

Messrs. *Aubert, Beatty, Benjamin, Brumfield, Burton, Cade, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, Garcia, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Mazureau, Prescott* of St. Landry, *Roman, Roselius, St. Amand, Soulé* and *Winchester* voted in favor of the amendment ; 26 yeas; and

Messrs. *Brazeale, Brent, Carriere, Cenas, Chambliss, Covillion, Downs, Dunn, Eustis, Grymes, Garrett, Humble, Hynson, Leonard, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Porche, Porter, Prescott* of Avoyelles, *Preston, Prudhomme, Read, Saunders, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Splane, Stephens, Taylor* of Assumption, *Taylor* of St. Landry, *Trist, Voorhies, Waddill, Wadsworth, Wederstrandt* and *Winder*, voted against the amendment—41 nays ; the same was lost.

Then the yeas and nays were called for on the resolution of Mr. READ, to appoint an additional reporter in English, and resulted as follows :

Messrs. *Benjamin, Brazeale, Brent, Burton, Cenas, Chambliss, Downs, Dunn, Eustis, Humble, Ledoux, McCallop, McRae, Mayo, Peets, Porter, Preston, Read, Roselius, Saunders, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Soulé, Splane, Stephens, Taylor* of Assumption, *Trist, Waddill, Wadsworth* and *Wederstrandt*, voted in the affirmative—31 yeas ; and

Messrs. *Aubert, Beatty, Brumfield, Cade, Carriere, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Garcia, Grymes, Garrett, Hudspeth, Hynson, Kenner, King, Labauve, Legendre, Leonard, Lewis, Marigny, Mazureau, O'Bryan, Porche, Prescott* of Avoyelles, *Prescott* of St. Landry, *Prudhomme, Roman, St. Amand, Sellers, Taylor* of St. Landry, *Voorhies, Winchester* and *Winder*, voted in the negative—36 nays ; the resolution was lost.

Mr. KENNER offered the following resolution :

Resolved, "That the office of reporter of the debates of this Convention be abolished."

Mr. COVILLION moved that said resolu-

tion be laid on the table, indefinitely, and called for yeas and nays, which resulted as follows :

Messrs. *Beatty, Brent, Brumfield, Cenas, Chambliss, Claiborne, Conrad* of Jefferson, *Covillion, Downs, Dunn, Garcia, Garrett, Humble, Hynson, Labauve, Ledoux, Leonard, Lewis, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Preston, Read, Roselius, Scott* of Baton Rouge, *Scott* of Feliciana, *Soulé, Splane, Stephens, Taylor* of Assumption, *Taylor* of St. Landry, *Trist, Wederstrandt* and *Winchester* voted in the affirmative—40 yeas; and

Messrs. *Aubert, Benjamin, Brazeale, Burton, Cade, Carriere, Conrad* of New Orleans, *Culbertson, Derbes, Kenner, King, Legendre, Mazureau, Porche, Prudhomme, Roman, St. Amand, Saunders, Scott* of Madison, *Voorhies, Waddill*, and *Winder* voted in the negative—22 nays; consequently the motion was carried.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 6. Representation shall be equal and uniform in this State; each parish shall have at least one representative, and beyond that, if entitled to any more, in proportion to the population of each, ascertained and calculated according to the principle of representation, adopted in the constitution of the United States.

The first representation under this constitution shall continue until after the next United States census in 1850, and shall be as follows :

The parish of Plaquemines	
shall have one member,	1
The parish of St. Bernard,	1
“ Orleans,—	
First Municipality,	5
Second do,	4
Third do,	3
} 12	
That part of the parish of Orleans on the east bank of the river Mississippi,	1
The parish of Jefferson,	2
“ St. Charles	1
“ St. John the Baptiste,	1
“ St. James,	2
“ Ascension,	1
“ Assumption,	2
“ Lafourche Interior,	3
“ Terrebonne,	1

The parish of Iberville,	1
“ West Baton Rouge,	1
“ East do do	2
“ West Feliciana,	2
“ East do,	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupée,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	1
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	2
“ Natchitoches,	2
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1
—	—
Total,	72

As soon as may be after the United States census of 1850 shall have been taken and promulgated, and every ten years thereafter, the number of representatives shall be fixed and apportioned according to the principles of this section, so as not to be less than seventy, nor more than one hundred; and whenever a new parish shall be created, a separate representation shall at the time be provided for it, which shall continue until the next decimal apportionment.

And pending the discussion on the motion of Mr. BENJAMIN, to refer said section to a special committee, Mr. BEATTY offered the following substitute, viz :

Representation shall be equal and uniform in this State; each parish shall be entitled to representation in proportion to her population, ascertained and calculated according to the principle of representation

adopted in the Constitution of the United States.

At the first regular session of the legislature after the reception of the United States census for 1850, and every ten years thereafter, the legislature shall choose some number as a representative number. The number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to one additional member for every fraction exceeding the one-half of the divisor.

The house of representatives shall never be composed of less than seventy nor more than one hundred members.

The first representation under this Constitution (ascertained as near as may be in accordance with the above principles) shall continue until after the next United States census, and shall be as follows :

Plaquemine 1; St. Bernard 1; Orleans, First Municipality 9; Second do. 7; Third do. 6; Right Bank 1; Jefferson 2; St Charles 1; St. John the Baptiste 1; St James 2; Ascension 2; Assumption 2; Lafourche Interior 2; Terrebonne 1; Iberville 2; West Baton Rouge 1; East Baton Rouge 2; West Feliciana 2; East Feliciana 2; St. Helena 1; Livingston 1; Washington 1; St. Tammany 1; Point Coupée 1; Concordia 1; Tensas 1; Madison 1; Carroll 1; Franklin 1; St. Mary 2; St. Martin 2; Vermillion 1; Lafayette 2; St. Landry 3; Calcasieu 1; Avoyelles 2; Rapides 3; Natchitoches 3; Sabine 1; Caddo 1; De Soto 1; Ouachita 1; Morehouse 1; Union 1; Caldwell 1; Catahoula 1; Claiborne 1; Bossier 1.

And pending the discussion on said substitute, the Convention adjourned 'till 7 o'clock p. m.

NOTE—Members absent, Messrs- Jos. Walker absent on account of illness, Bourg on leave, Boudousquie, Guion on leave, Penn on leave, Pugh on leave, and Ratliff on leave.

MONDAY, February 3d, 1845, }
7 o'clock, P. M. }

The Convention met pursuant to adjournment.

Mr. WADSWORTH was called to the Chair.

Mr. BENJAMIN moved to rescind the rule adopted this morning, fixing the eve-

ning sessions at 7 o'clock, P. M., and the yeas and nays being called, resulted as follows:

Messrs. Benjamin, Briant, Cénas, Claiborne, Conrad of Jefferson, Derbes, Dunn, Garrett, Hudspeth, Kenner, King, Ledoux, Legendre, Lewis, Mazureau, Prescott of St. Landry, Roman, Roselius, Taylor of St. Landry, Voorhies, Winchester and Winder voted in the affirmative—22 ayes; and

Messrs. Beatty, Boudousquié, Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Conrad of New Orleans, Covillion, Downs, Eustis, Humble, Labauve, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Prudhomme, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Trist, Waddill, and Wederstrandt voted in the negative—35 nays; consequently said motion was lost.

Mr. VOORHIES moved that the Convention adjourn till to-morrow at 10 o'clock, A. M.; the ayes and nays being called,

Messrs. Benjamin, Boudousquié, Briant, Cénas, Claiborne, Conrad of Jefferson, Derbes, Dunn, Garrett, Hudspeth, Kenner, King, Ledoux, Legendre, Lewis, Mazureau, Prescott of St. Landry, Roman, Roselius, Taylor of St. Landry, Voorhies, Winchester, and Winder voted in favor of the adjournment—23 ayes; and

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Conrad of New Orleans, Covillion, Downs, Eustis, Humble, Labauve, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Prudhomme, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Trist, Waddill, Wederstrandt, and Wikoff voted against the motion for adjournment—35 nays; said motion was lost.

Mr. LEWIS moved that the Convention adjourn till to-morrow at 9 o'clock, A. M., and yeas and nays being called,

Messrs. Benjamin, Boudousquié, Briant, Cénas, Claiborne, Conrad of Jefferson, Derbes, Dunn, Garrett, Hudspeth, Kenner, Legendre, Lewis, Mazureau, Roman, Roselius, Taylor of St. Landry, Voorhies, Winchester, and Winder voted in favor of the motion—20 ayes; and

Messrs. Beatty, Brazeale, Brent, Burton,

Cade, Carriere, Chambliss, Conrad of New Orleans, Covillion, Downs, Eustis, Humble, King, Labauve, Ledoux, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Trist, Waddill, Wederstrandt and Wikoff, voted against the motion—38 nays; which motion was lost.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 6. Representation shall be equal and uniform in this State; each parish shall have at least one representative, and beyond that, if entitled to any more, in proportion to the population of each, ascertained and calculated according to the principle of representation adopted in the constitution of the United States.

The first representation under this constitution shall continue until after the next United States census in 1850, and shall be as follows:

The parish of Plaquemines		
shall have one member,		1
The parish of St. Bernard,		1
“ Orleans,—		
First municipality,	5	} 12
Second do,	4	
Third do,	3	
That part of the parish of Orleans on the east bank of the river Mississippi,		1
The parish of Jefferson,		2
“ St. Charles,		1
“ St. John the Baptist,		1
“ St. James,		2
“ Ascension,		1
“ Assumption,		2
“ Lafourche Interior,		3
“ Terrebonne,		1
“ Iberville,		1
“ West Baton Rouge,		1
“ East “ “		2
“ West Feliciana,		2
“ East “ “		2
“ St. Helena,		1
“ Livingston,		1
“ Washington,		1
“ St. Tammany,		1
“ Point Coupée,		1
“ Concordia,		1

The parish of Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	1
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	2
“ Natchitoches,	2
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1
Total,	72

As soon as may be, after the United States census of 1850 shall have been taken and promulgated, and every ten years thereafter, the number of representatives shall be fixed and apportioned according to the principles of this section, so as not to be less than seventy nor more than one hundred, and whenever a new parish shall be created, a separate representation shall at the same time be provided for it, which shall continue until the next decimal apportionment.

The question under consideration was the motion of Mr. Benjamin, to refer the section to a special committee; and pending its discussion,

Mr. BEATTY offered the following substitute, viz: Representation shall be equal and uniform in this State, each parish shall be entitled to representation in proportion to her population, ascertained and calculated according to the principle of representation adopted in the constitution of the United States.

At the first regular session of the Legislature after the reception of the United States census for 1850, and every ten years thereafter, the legislature shall choose some number as a representative number.

The number so chosen shall be taken as

a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to one additional member for every fraction exceeding the one-half of the divisor.

The house of representatives shall never be composed of less than seventy, nor more than one hundred members.

The first representation under this constitution, (ascertained as near as may be in accordance with the above principles) shall continue until after the next U. S. census, and shall be as follows:—Plaquemine, 1; St. Bernard, 1; Orleans—First Municipality, 9; 2d, 7; 3d, 6; Jefferson, 2; Right bank, 1, St. Charles, 1; St. John Baptist, 1; St. James, 2; Ascension, 2; Assumption, 2; Lafourche Interior, 2; Terrebonne, 1; Iberville, 2; West Baton Rouge, 1; East Baton Rouge, 2; West Feliciana, 2; East Feliciana, 2; St. Helena, 1; Livingston, 1; Washington, 1; St. Tammany, 1; Point Coupée, 1; Concordia, 1; Tensas, 1; Madison, 1; Carroll, 1; Franklin, 1; St. Mary, 2; St. Martin, 2; Vermillion, 1; Lafayette, 2; St. Landry, 3; Calcasieu, 1; Avoyelles, 2; Rapides, 3; Natchitoches, 3; Sabine, 1; Caddo, 1; De Soto, 1; Ouachita, 1; Morehouse, 1; Union, 1; Caldwell, 1; Catahoula, 1; Claiborne, 1; Bossier, 1.

On motion of Mr. DOWNS said substitute was ordered to be printed.

On motion the Convention adjourned till to-morrow at 11 o'clock, A. M.

NOTE.—Members absent: Messrs. Aubert, Bourg, on leave; Brumfield, Chinn, Culbertson, Garcia, Grymes, Guion, on leave; Hynson, Leonard, M'Callop, Penn, on leave; Porche, Pugh, Ratliff, on leave; St. Amand, Taylor of Assumption.

TUESDAY, February 4, 1845

The Convention met pursuant to adjournment; Mr. CHINN in the chair.

The Rev. Mr. ——— opened the proceedings by prayer.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 6. Representation shall be equal and uniform in this State; each parish shall have at least one representative, and beyond that, if entitled to any more, in proportion to the population of each, ascertained

and calculated according to the principle of representation adopted in the constitution of the United States. The first representation under this constitution shall continue until after the next United States census in 1850, and shall be as follows:

The parish of Plaquemines	Members.	
shall have one member,	1	
The parish of St. Bernard,	1	
“ Orleans—		
First Municipality,	5	} 12
Second do	4	
Third do	3	
That part of the parish of Orleans on the east bank of the river Mississippi,	1	
The parish of Jefferson,	1	
“ St. Charles,	1	
“ St. John the Baptist,	1	
“ St. James,	2	
“ Ascension,	1	
“ Assumption,	2	
“ Lafourche Interior,	3	
“ Terrebonne,	1	
“ Iberville,	1	
“ West Baton Rouge,	1	
“ East “ “	2	
“ West Feliciana,	2	
“ East “ “	2	
“ St. Helena,	1	
“ Livingston,	1	
“ Washington,	1	
“ St. Tammany,	1	
“ Pointe Coupée,	1	
“ Concordia,	1	
“ Tensas,	1	
“ Madison,	1	
“ Carroll,	1	
“ Franklin,	1	
“ St. Mary,	1	
“ St. Martin,	2	
“ Vermillion,	1	
“ Lafayette,	1	
“ St. Landry,	4	
“ Calcasieu,	1	
“ Avoyelles,	2	
“ Rapides,	2	
“ Natchitoches,	2	
“ Sabine,	1	
“ Caddo,	1	
“ De Soto,	1	
“ Ouachita,	1	
“ Morehouse,	1	
“ Union,	1	
“ Caldwell,	1	
“ Catahoula,	1	

The Parish of Claiborne,	1
“ Bossier,	1
	—
Total,	72

As soon as may be after the United States census of 1850 shall have been taken and promulgated, and every ten years thereafter, the number of representatives shall be fixed and apportioned according to the principles of this section, so as not to be less than seventy nor more than one hundred, and whenever a new parish shall be created, a separate representation shall at the same time be provided for it, which shall continue until the next decimal apportionment.

The yeas and nays being called for, on motion of Mr. Benjamin to refer said section to a committee of twelve, composed of three members from each Congressional district, resulted as follows:

Messrs. Aubert, Benjamin, Boudousquie, Briant, Brumfield, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Garcia, Grymes, Hudspeth, King, Labauve, Ledoux, Legendre, Marigny, Mazureau, Roman, Roselius, St. Amand, Taylor of St. Landry, Wadsworth and Winchester voted in favor of the motion—26 yeas; and

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Dunn, Garrett, Humble, Hynson, Leonard, McCallop, McRae, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wederstrandt, Wikoff and Winder voted against the motion—39 nays; consequently the same was lost.

The question then under consideration, was the substitute of Mr. Beatty to said section, viz:

Representation shall be equal and uniform in this State; each parish shall be entitled to representation in proportion to her population, ascertained and calculated according to the principle of representation adopted in the constitution of the United States.

At the first regular session of the legislature after the reception of the United States census for 1850, and every ten years there-

after, the legislature shall choose some number as a representative number.

The number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to one additional member for every fraction exceeding the one-half of the divisor.

The house of representatives shall never be composed of less than seventy nor more than one hundred members.

The first representation under this constitution, (ascertained as near as may be in accordance with the above principle) shall continue until after the next United States census, and shall be as follows:

Plaquemine, 1; St. Bernard, 1; Orleans, first municipality, 9; second, 7; third, 6; right bank, 1; Jefferson, 2; St. Charles, 1; St. John Baptist, 1; St. James, 2; Ascension, 2; Assumption, 2; Lafourche Interior, 2; Terrebonne, 1; Iberville, 2; West Baton Rouge, 1; East Baton Rouge, 2; West Feliciana, 2; East Feliciana, 2; St. Helena, 1; Livingston, 1; Washington, 1; St. Tammany, 1; Pointe Coupée, 1; Concordia, 1; Tensas, 1; Madison, 1; Carroll, 1; Franklin, 1; St. Mary, 2; St. Martin, 2; Vermilion, 1; Lafayette, 2; St. Landry, 3; Calcasieu, 1; Avoyelles, 2; Rapides, 3; Natchitoches, 3; Sabine, 1; Caddo, 1; De Soto, 1; Ouachita, 1; Morehouse, 1; Union, 1; Caldwell, 1; Catahoula, 1; Bossier, 1.

Mr. SELLERS moved that the same be laid on the table, to make way for the original section as reported by the committee, and his motion prevailed.

Mr. PRESTON then offered the following substitute to the first paragraph of said section, viz:

Representation in the house of representatives shall be equal and uniform in this State, and shall be forever regulated and ascertained by the number of qualified electors therein.

Mr. DOWNS moved that the same be laid on the table to make way for the original section, and called for the yeas and nays;

Messrs. Beatty, Benjamin, Boudousquie, Brazeale, Brent, Cade, Carriere, Chambliss, Covillion, Downs, Dunn, Garcia, Garrett, Hudspeth, Humble, Hynson, Kenner Labauve, Legendre, Leonard, Lewis, McCallop, McRae, Mayo, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St.

Landry, Prudhomme, Read, Roman, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Wikoff, Winchester and Winder voted in the affirmative—47 yeas; and

Messrs. Aubert, Briant, Brumfield, Burton, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Eustis, King, Ledoux, Marigny, Mazureau, O'Bryan, Preston, Ratliff, Roselius, St. Amand and Stephens voted in the negative—21 nays; the motion was consequently carried.

Mr. BENJAMIN then moved to strike out the words, "*each parish shall have at least one representative,*" and called for the yeas and nays.

Previous to the question being put, Mr. Porter offered the following resolution, viz:

But no new parish shall be created until it has population enough to entitle it to a representative according to the ratio existing at the time, or with a territory less than four hundred square miles.

And pending the discussion, the Convention adjourned till to-morrow at 11 o'clock, A. M.

NOTE.—Members absent, Messrs. Joseph Walker, president, absent on account of illness—Bourg, Guion, Penn and Pugh, all absent on leave.

WEDNESDAY, February 5, 1845.

The Convention met pursuant to adjournment, Mr. CHINN in the chair.

The Rev. Mr. BEATTY opened the proceedings with prayer.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 6. "Representation shall be equal and uniform in this State; each parish shall have at least one representative, and beyond that, if entitled to any more, in proportion to the population of each, ascertained and calculated according to the principle of representation adopted in the constitution of the United States.

The first representation under this constitution shall continue until after the next United States census, in 1850, and shall be as follows:

The parish of Plaquemines shall have one member,

The parish St. Bernard,	1
“ Orleans,	
First Municipality	5
Second “	4
Third “	3
} 12	
The Parish of Orleans, on the east bank of the river Mississippi,	1
The parish of Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	1
“ Assumption,	2
“ Lafourche Interior,	3
“ Terrebonne,	1
“ Iberville,	1
“ West Baton Rouge,	1
“ East “	2
“ West Feliciana,	2
“ East “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupee,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	1
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	2
“ Natchitoches,	2
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1
—	
Total,	72

As soon as may be after the United States census of 1850 shall have been taken and promulgated, and every ten years thereafter, the number of representatives shall be fixed and apportioned according to the prin-

ciples of this section, so as not to be less than seventy, nor more than one hundred; and whenever a new parish shall be created a separate representation shall at the same time be provided for it, which shall continue until the next decimal apportionment

On motion of Mr. O'BRYAN the additional sections that were made the order of the day, for to day, after the reading of the journal were laid on the table, subject to call.

Mr. GUION moved that a committee of three members from each congressional district be appointed, with instructions to report whether it would not be just and proper to take, as a basis of representation, the entire property of the State, both real and personal, subject to taxation; together with all the white population thereof, who may be entitled to the elective franchise; the yeas and nays being called for resulted as follows:

Messrs. Aubert, Benjamin, Boudousquie, Briant, Brumfield, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Guion, Hudspeth, Kenner, Labauve, Ledoux, Legendre, Marigny, Mazureau, Preston, Pugh, Roman, St. Amand, Taylor of St. Landry, Wikoff, Winchester and Winder, voted in favor of the motion—27 yeas; and

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Cenas, Chambliss, Claiborne, Covillion, Downs, Eustis, Garrett, Humble, Hynson, King, Leonard, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soule, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill and Wederstrandt voted against the motion—44 nays; the same was lost.

The Convention then took under consideration the motion of Mr. BENJAMIN to strike out the words “each parish shall have at least one representative,” from the said sixth section; and the yeas and nays being called for,

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Briant, Brumfield, Carriere, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Grymes, Guion, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny,

Mazureau, Preston, Pugh, Ratliff, Roman, Roselius St. Amand, Saunders, Soulé, Taylor of Assumption, Trist, Voorhies, Wadsworth, Wikoff, Winchester and Winder voted in the affirmative—40 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Garcia, Garrett, Hudspeth, Humble, Hynson, McCallop, McRae, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of St. Landry, Waddill, and Wederstrandt voted in the negative—32 nays; consequently the motion was carried.

Mr. SAUNDERS offered the following amendment, viz:

“After the year 1846 the members of the house of representatives shall be elected decimally, as follows:

“Every parish containing 250 qualified voters may elect one representative, and in the same proportion for a number of qualified voters greater than 250. Provided, that no parish shall ever elect more than one sixth of the whole number of representatives.

Parishes containing less than 250 qualified voters shall be united when they adjoin each other two or more together when necessary to complete the number of 250 qualified voters, and when so united shall be considered as one parish in all things respecting the election of representatives; and any such parish not adjoining one of the same class, shall be united to the adjoining parish having the largest fraction over 250 qualified voters; and any two parishes, so united, shall be considered as one parish in all things respecting the election of representatives.”

Mr. SAUNDERS then moved that the said amendment, together with section sixth, be referred to a special committee, composed of three members from each congressional district; and the yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Briant, Brumfield, Carriere, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, Preston, Pugh, Roman, Roselius, St. Amand, Saunders, Stephens,

Taylor of St. Landry, Trist, Wadsworth, Wikoff and Winchester voted in the affirmative—38 yeas; and

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, McCallop, McRae, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott, of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Taylor of Assumption, Voorhies, Waddill, Wederstrandt, and Winder, voted in the negative—34 nays; consequently the motion was carried.

Mr. RATLIFF then moved that the Convention adjourn till this evening at 7 o'clock P. M.; which motion was lost.

Mr. READ then offered the following amendment to the section sixth, to be submitted to the special committee, viz:

“Each parish containing one hundred qualified electors shall be entitled to one representative; five hundred qualified electors, two representatives; one thousand qualified electors, three representatives; two thousand qualified electors, four representatives; four thousand qualified electors, five representatives; eight thousand qualified electors, six representatives; sixteen thousand qualified electors, seven representatives; thirty-two thousand qualified electors, eight representatives; and so on in regular progression, except in relation to the parish of Orleans, which shall be entitled to double the number it would have under the regular progression applicable to other parishes.

In the year 1850, and every ten years thereafter, an apportionment of representation shall be made as herein prescribed.

The following shall be the representation until the year 1850, viz:

The parish of Plaquemines	2
The parish of St. Bernard,	1
“ Orleans,	10
“ Jefferson,	2
“ St. Charles	1
“ St. John the Baptiste,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	1
“ Iberbille,	1
“ West Baton Rouge,	1

The Parish of East Baton Rouge,	2
“ East Feliciana,	2
“ West Feliciana,	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupee,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	1
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	2
“ St. Landry,	3
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	3
“ Natchitoches,	3
“ Sabine,	2
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Catahoula,	2
“ Claiborne,	2
“ Bossier,	1
—	—
Total,	75

No parish hereafter to be created shall contain less than five hundred and twenty-five square miles; nor shall any two or more parishes now existing, or which may hereafter exist, ever be consolidated so as include within the limits of the intended parish more than five hundred and twenty-five square miles, and then only with the consent of the people interested therein.”

Mr. GUION moved that the instructions offered by him, be also submitted to the special committee.

On motion of Mr. BEATTY it was ordered that the committee take into consideration all the projects that had been offered; and

On motion the Convention adjourned till this evening at 7 o'clock, P. M.

NOTE.—Members absent, Messrs. Jos. Walker, president, on account of illness, Bourg and Penn absent on leave.

WEDNESDAY EVENING, {
February 5, 1845. }

The Convention met pursuant to adjournment.

Mr. MARIGNY was called to the Chair.

On motion of Mr. CONRAD of New Orleans, the additional sections offered by Messrs. Roman, Claiborne, and Taylor of Assumption, and laid on the table subject to call, were made the special order of the day for to-morrow.

On motion of Mr. PRESTON the Convention took under consideration the 14th section of article 2d, as reported by the committee, viz :

SEC. 14. “Not less than a majority of the members of each house of the general assembly shall form a *quorum* to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members, in such manner and under such penalties as may be prescribed thereby;” and

On motion, said section was adopted.

On motion, the Convention then took up the 15th section, of article 2d, viz :

SEC. 15. “Each house of the general assembly shall judge of the qualifications, elections and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.”

And, on motion, the same was adopted.

Then the Convention proceeded to the 16th section of article 2d, viz :

SEC. 16. “Each house of the general assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not the second time for the same offence.”

On motion, the said session was adopted.

The Convention then took up section 17, of article 2d, viz :

SEC. 17. “Each house of the general assembly shall keep and publish weekly a journal of its proceedings, and the yeas and nays of the members on any question shall at the desire of any two of them, be entered on the journal.”

On motion, said section was adopted.

The Convention then took up the section 18th, of article 2d, viz :

SEC. 18. “Each house may punish by imprisonment, during the session, any person not a member, for disrespectful and disorderly behavior in its presence, or for ob-

structing any of its proceedings: *provided*, such imprisonment shall not at any one time exceed ten days."

Mr. DOWNS moved to strike out the words "*during the session*" from said section; his motion prevailed.

Mr. BEATTY moved to strike out the words "*at any one time*," and insert the words "*for any one offence*." His motion prevailed.

Mr. RATLIFF moved for the rejection of the section as amended, and called for the yeas and nays, which resulted as follows:

Messrs. Carriere, Kenner, Ratliff, Soulé, Splane, Trist, and Wederstrandt, voted in the affirmative—7 yeas; and

Messrs. Aubert, Beatty, Benjamin, Brazeale, Brent, Briant, Burton, Cade, Cénas, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dunn, Eustis, Garrett, Guion, Humble, Hynson, King, Ledoux, Legendre, Lewis, McRae, Mayo, Mazureau, O'Bryan, Peets, Porche, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, Roman, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Voorhies, Waddill, Wadsworth, Winchester and Winder voted in the negative—54 nays; consequently the motion was lost.

On motion of Mr. DOWNS, said section 18th, was adopted as amended.

The Convention then took up the 19th section of article 2d, viz:

SEC. 19. "Neither house during the session of the general assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting."

And, on motion, the same was adopted.

The Convention then took up the 20th section of article 2d, viz:

SEC. 20. "The members of the general assembly shall severally receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance on, going to, and returning from the sessions of their respective houses, provided that the same may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alteration shall have been made: *And pro-*

vided, also, that this compensation shall exist for the period of sixty days only, but if the general assembly shall at any time extend the session beyond sixty days, they shall not receive any compensation for any period beyond the said sixty days."

Mr. BEATTY moved to amend the proviso, by inserting the word "*the*" instead of "*this*," and insert after the word compensation "*for attendance*." His motion prevailed.

Mr. McRAE moved to strike out the proviso, and called for yeas and nays.

And previous to the question being put, Mr. READ offered the following substitute, viz:

"And provided also, that this compensation shall exist for the period of sixty days, only, but if the general assembly shall at any time extend the session beyond sixty days, they shall receive but one half the foregoing compensation for any period beyond the said sixty days.

And pending the discussion the Convention adjourned until tomorrow, at 11 o'clock, a. m.

NOTE.—Members absent—Messrs. Joseph Walker, President, absent on account of sickness; Boudousquié, Bourg, on leave; Garcia, Grymes, Leonard, McCallop, Penn, on leave; St. Amand and Wikoff.

THURSDAY, February, 6, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WOOLRIDGE opened the proceedings with prayer.

The PRESIDENT appointed Messrs. Saunders, Wm. B. Scott, and Ratliff from third district, Downs, Porter, Lewis from fourth, Wadsworth, Benjamin, Grymes from first; and Preston, Roman and Beatty from the second, members of the committee to whom was referred the 6th section of article 2nd.

ORDER OF THE DAY.

SEC. 9. In all cases where persons offering to vote shall be naturalized citizens the residence of two years in the State, required by the preceding section, shall commence from or after the date of their naturalization.

Mr. GUION offered the following as a substitute to the 9th section;

"No person shall have the right of voting

in this State, until he shall have been two years a citizen of the United States."

Mr. DOWNS offered the following proviso to the substitute, viz: "Provided that this section shall not be construed so as to disfranchise any person already entitled to vote."

And on the adoption of the substitute, as amended by the proviso, the yeas and nays being called for resulted as follows:

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Burton, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dunn, Grymes, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prescott of St. Landry, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Wikoff, Winchester* and *Winder* voted in the affirmative—42 yeas; and

Messrs. *Brazeale, Brent, Cade, Carriere, Chambliss, Downs, Eustis, Garcia, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulè, Splane, Stephens, Waddill and Wederstrandt* voted in the negative—32 nays; consequently the motion was carried.

Mr. VOORHIES moved to rescind the rule fixing the evening sessions at 7 o'clock, and the yeas and nays being called for, resulted as follows:

Messrs. *Aubert, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Burton, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Grymes, Garrett, Guion, Hudspeth, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Leonard, McCallop, Mazureau, Porche, Prescott of St. Landry, Prudhomme, Ratliff, Roman, Roselius, St. Amand, Soulè, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wederstrandt, Winchester* and *Winder* voted in favor of the motion—42 yeas; and

Messrs. *Beatty, Brazeale, Brent, Cade, Carriere, Chambliss, Covillion, Downs, Eustis, Humble, Lewis, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Pugh, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana,*

Scott of Madison, Sellers, Splane, Trist, Waddill, Wadsworth and Wikoff voted against the motion—31 nays; the same was carried.

On motion the Convention adjourned till to-morrow at 11 o'clock a. m.

NOTE.—Members absent, Messrs. Jos. Walker, president, absent on account of illness, and Penn on leave.

FRIDAY, February 7th, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WARREN opened the proceedings by prayer.

On motion of Mr. SAUNDERS, chairman of the committee to whom was referred the 6th section of article 2d, it was ordered that the said committee be authorised to have printed all documents in relation to said section 6th, and which may facilitate them in the discharge of their duties.

Leave was granted Mr. PENN to have his vote recorded in the negative on the vote given yesterday on the adoption of the 9th section as amended.

On motion of Mr. RATLIFF, chairman of the committee on contingent expenses, the following resolution was adopted, viz:

"Resolved, that the committee on contingent expenses be authorized to pay to J. Bayon, editor of the *Courier*, and to Besançon, Ferguson & Co., editors of the *Jeffersonian Republican*, each the sum of five hundred dollars, being in advance for ten copies of their respective papers to be furnished the Convention during its session, as per resolution of this Convention adopted on the 27th January, 1845."

ORDER OF THE DAY.

SEC. 10. It shall be the duty of the general assembly to provide by law for the registration, at least three months before every general election, of all the qualified voters of the State, in the several parishes in which they actually reside. No person shall be entitled to vote except in the parish of his residence, and if the parish is divided into election precincts or wards, in the election precinct or ward where he resides; and except his name shall have been recorded in the last registry made previous to the election.

Mr. DOWNS moved to strike out from said section the words, "It shall be the duty of the general assembly to provide by law for

the registration, at least three months before every general election, of all the qualified voters of the State, in the several parishes in which they actually reside."

Mr. CONRAD of New Orleans, offered the following amendment, viz:

"It shall be the duty of the general assembly to provide by law for the registration, at least three months before the general election, of all the qualified voters residing in the several cities and incorporated towns having a white population exceeding one thousand persons."

Mr. SELLERS offered the following amendment, viz:

"Residence in a parish, city or town entitled to representation, can only be acquired by personal residence during the time specified, to commence by a declaration filed by the person wishing to acquire it, in the office of the clerk of some court of record for such parish, and the commencement of such residence shall only date from such declaration; nor shall any proof other than such record of declaration be received, to prove the commencement of such residence."

Mr. BRENT then moved for the previous question.

Mr. RATLIFF moved that the Convention adjourn till Monday next, at 11 o'clock, a. m., and the yeas and nays being called for,

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Briant, Brumfield, Cénas, Claiborne, Conrad of Jefferson, Culbertson, Dunn, Garcia, Guion, Kenner, Labauve, Ledoux, Legendre, Marigny, Mazureau, Ratliff, Read, Roman, Roselius, Scott of Baton Rouge, Trist, Wadsworth and Winchester* voted in favor of the motion—27 yeas; and

Messrs. *Bourg, Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Conrad of New Orleans, Covillion, Derbes, Downs, Eustis, Garrett, Hudspeth, Humble, Hynson, King, Leonard, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, St. Amand, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, Wederstrandt and Wikoff*, voted against the motion—44 nays; the same was lost.

Mr. CONRAD of Jefferson, then moved that the Convention adjourn till to-morrow

at 11 o'clock, a. m., and the yeas and nays being called for,

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brumfield, Burton, Cénas, Claiborne, Conrad of Jefferson, Derbes, Dunn, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Leonard, Lewis, Marigny, Mazureau, Pugh, Roman, Roselius, St. Amand, Trist, Voorhies, Wadsworth, Wikoff and Winchester* voted in the affirmative—32 yeas; and

Messrs. *Brazeale, Brent, Briant, Cade, Carriere, Chambliss, Conrad of New Orleans, Covillion, Culbertson, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Waddill and Wederstrandt* voted in the negative—39 nays; consequently the motion was lost.

Mr. BRENT then renewed his motion for the previous question. The president then put the question, "Shall the main question be now put?" and the yeas and nays being called for,

Messrs. *Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Eustis, Humble, Hynson, Ledoux, Leonard, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Roman, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Waddill, Wadsworth, Wederstrandt, Wikoff, and Winchester* voted in the affirmative—54 yeas; and

Messrs. *Conrad of New Orleans, Claiborne, Dunn, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Pugh, Ratliff, Roselius, Sellers, and Voorhies*, voted in the negative; 17 nays—the motion was carried.

On the motion of Mr. VOORHIES to adjourn till to-morrow at 11 o'clock, a. m., the yeas and nays being called for, resulted as follows:

Messrs. *Aubert, Benjamin, Bourg, Bri-*

ant, Burton, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dunn, Garcia, Garrett, Guion, Hudspeth, King, Labauve, Legendre, Leonard, Lewis, Marigny, Mazureau, Pugh, Roman, Roselius, St. Amand, Voorhies, Wadsworth, Wikoff, and Winchester voted in favor of the motion—32 yeas; and

Messrs. *Brazeale, Brent, Brumfield, Cade, Carriere, Chambliss, Downs, Humble, Hynson, Ledoux, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Waddill, and Wederstrandt* voted against the motion—35 nays; the motion was therefore lost.

On the call being made upon the president as to what question was the main question, the president decided that there having been no motion made to adopt or reject the section under debate, and the first motion made being to strike out a portion of the section, that that motion was the previous or main question.

Mr. LEWIS appealed from the decision of the chair, and called for the yeas and nays, and

Messrs. *Brazeale, Brent, Brumfield, Cade, Carriere, Cénas, Chambliss, Claiborne, Covillion, Culbertson, Downs, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, and Wederstrandt* voted to sustain the decision of the chair—40 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Burton, Conrad of New Orleans, Conrad of Jefferson, Derbes, Dunn, Garcia, Garrett, Guion, Hudspeth, King, Labauve, Legendre, Lewis, Mazureau, Pugh, Roman, Roselius, St. Amand, Sellers, Wadsworth, Wikoff, and Winchester* voted against the decision of the chair—27 nays; consequently the decision was sustained.

The yeas and nays being then called on Mr. Downs' motion to strike out the words "It shall be the duty of the general assem-

bly to provide by law for the registration, at least three months before every general election, of all the qualified voters of the State, in the several parishes in which they actually reside," resulted as follows:

Messrs. *Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Covillion, Culbertson, Derbes, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill and Wederstrandt*, voted in the affirmative—44 yeas; and

Messrs. *Aubert, Briant, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Garcia, Guion, Hudspeth, King, Labauve, Leonard, Lewis, Mazureau, Pugh, Ratliff, Roman, Roselius, St. Amand, Wadsworth, Wikoff, and Winchester*, voted in the negative—21 nays; so the motion was carried.

On motion, the Convention adjourned till to-morrow at 11 o'clock, a. m.

—
SATURDAY, February 8, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings with prayer.

On motion of Mr. DUNN, the chairman of the Convention, (Mr. Saunders) was authorized to sign warrants on the treasury of the State.

On motion of Mr. RATLIFF, the secretary was directed to give to the printers to the Convention a certified copy of the resolution adopted yesterday, allowing to each the sum of \$500.

Mr. RATLIFF, chairman of the committee on contingent expenses, submitted the following report and resolution, viz:

"The committee on contingent expenses, to whom was referred the business of settling and adjusting the account of James A. Kelly, late printer to the Convention, beg leave to report, that they have had the accounts of Mr. Kelly under consideration, and after deducting several items in said accounts, marked C. D. A. B. E. F. G. and H., amounting to \$874, find a balance due to said James A. Kelly, of \$1474, (fourteen hundred and seventy-four dollars,)—all

of which is respectfully submitted with the following resolution, viz :

(Signed) CYRUS RATLIFF,
Chairman."

"*Resolved*, That the sum of \$1474, (fourteen hundred and seventy-four dollars,) be allowed James A. Kelly, late printer to the Convention, in full for all extra printing for the Convention, and also for all other expenses attendant upon his removal from Jackson to New Orleans."

Mr. BRENT moved that the report and resolution be laid on the table subject to call, which motion was lost.

Mr. RATLIFF then moved for the adoption of the report and resolution. The yeas and nays being called for—

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Burton, Cade, Cénas, Chambliss, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, King, Ledoux, Legendre, Leonard, Lewis, McCallop, McRea, Marigny, Mayo, Mazureau, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Rathliff, Read, Roman, Roselius, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt, Wikoff and Winder voted in the affirmative—54 yeas; and

Messrs. Brazeale, Brent, Carriere, Covillion, Hynson, Peets, Penn and Porche voted in the negative—8 nays; consequently the motion was carried.

On motion of Mr. DOWNS, leave of absence was granted Messrs. Chinn, and Scott of Baton Rouge.

ORDER OF THE DAY.

SECT. 10. No person shall be entitled to vote except in the parish of his residence, and if the parish is divided into election precincts or wards, in the precinct or ward where he resides, and except his name shall have been recorded in the last registry made previous to the election.

Mr. CADE moved to strike out after the words "of his residence," the balance of the section.

Mr. ROMAN moved to amend said section by inserting after the word "vote" the words "at any elections held in this State," and his motion prevailed.

Mr. BENJAMIN moved for a division of

the motion to strike out, that is the Convention first proceed to strike out from the words, "and if the parish is divided," to the words "ward where he resides." His motion prevailed.

The yeas and nays being called for on the motion to strike out, resulted as follows:

Messrs. Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Covillion, Downs, Dunn, Garrett, Humble, Hynson, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Rathliff, Read, Scott of Feliciana, Scott of Madison, Splane, Stephens, Waddill and Wederstrandt voted in favor of the motion—36 yeas; and

Messrs. Aubert, Beatty, Benjamin, Briant, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Eustis, Guion, Hudspeth, King, Labauve, Leonard, Lewis, Mazureau, Pugh, Roman, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wikoff and Winder voted against the motion—25 nays; consequently the same was adopted.

Mr. LEWIS then moved to strike out the balance of said section, that is from the words "and except" to the last word "election." His motion was adopted.

Mr. CONRAD of New Orleans, then moved the additional amendment to the section as amended, viz : "and in cities or towns divided into two election precincts, by the election precinct where he resides," and the yeas and nays being called for, resulted as follows :

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Cade, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dunn, Eustis, Garrett, Guion, Hudspeth, King, Legendre, Leonard, Lewis, Marigny, Mazureau, Prudhomme, Pugh, Roman, Roselius, Scott of Feliciana, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wikoff and Winder voted in favor of the amendment—36 yeas; and

Messrs. Brazeale, Brent, Burton, Carriere, Chambliss, Downs, Humble, Hynson, Ledoux, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Rathliff, Read, Scott of Madison, Splane, Stephens, Waddill and Wederstrandt voted

against the amendment—27 nays; consequently the same was adopted.

Mr. LEWIS then moved the adoption of the section as amended, viz :

“SECT. 10. No person shall be entitled to vote at any election in this State, except in the parish of his residence, and in cities or towns divided into election precincts, in the election precinct in which he resides;” and the yeas and nays being called for—

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Cade, Carriere, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dunn, Eustis, Garrett, Guion, Hudspeth, King, Legendre, Leonard, Lewis, Mazureau, Penn, Pugh, Roman, Roselius, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wikoff and Winder voted in the affirmative—37 ayes; and

Messrs. Brazeale, Brent, Burton, Chambliss, Downs, Humble, Hynson, Ledoux, McCallop, McRae, Mayo, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Madison, Splane, Waddill and Wederstrandt voted in the negative—24 nays; consequently the motion was adopted.

Mr. SELLERS renewed the resolution offered by him on yesterday, and moved that the same be printed and laid on the table, subject to call, which motion prevailed—which is as follows, viz :

“Residence in a parish, city or town, entitled to representation, can only be acquired by personal residence during the time specified, to commence by a declaration filed by the person wishing to acquire it, in the office of the clerk of some court of record for such parish, and the commencement of such residence shall only date from such declaration; nor shall any proof other than such record of declaration be received, to prove the commencement of such residence.

On motion of Mr. RATLIFF, the secretary was directed to give to Mr. J. A. Kelly, late printer to the Convention, a certified copy of the resolution adopted to-day, allowing to said Kelly the sum of fourteen hundred and seventy-four dollars, (\$1474.)

On motion the Convention adjourned till Monday next, at 11 o'clock, a. m.

NOTE.—Members absent—Messrs. Jo-

seph Walker, President, absent on account of illness; Messrs. Boudousquié, Garcia, Grymes, Kenner, St. Amand, Trist, Winchester; and Messrs. Chinn, and Scott of Baton Rouge, absent on leave.

MONDAY, February 10, 1845.

The Convention met pursuant to adjournment. The Hon. Joseph Walker, president, in the chair.

The Rev. Mr. WOOLRIDGE opened the proceedings by prayer.

On motion of Mr. SPLANE the following resolution was adopted:

“Resolved, That a committee of three be appointed, whose duty it shall be to report to this Convention the causes which operate against the daily report of the debates of this body; and further, to report upon the necessity of appointing one or more additional reporters.”

The president appointed Messrs. Splane, Conrad of New Orleans, and Scott of Madison, members of said committee.

ORDER OF THE DAY.

ARTICLE SECOND, AS REPORTED BY THE COMMITTEE.

SEC. 20. The members of the general assembly shall severally receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance on, going to, and returning from the sessions of their respective houses, provided that the same may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alterations shall have been made: and provided also, that this compensation shall exist for the period of sixty days only, but if the general assembly shall at any time extend the session beyond sixty days, they shall not receive any compensation for any period beyond the said sixty days.

Mr. READ, with leave, withdrew the proviso offered by him on Wednesday evening last, and submitted the following substitute, viz:

“Provided also, that no session shall extend to a period beyond sixty days, to date from its commencement.”

Mr. BRENT offered the following amendment, which was accepted by Mr. Read:

“Except the session of the first legisla-

ture which is to convene after the adoption of this constitution."

Mr. DOWNS offered to amend said substitute by adding the words, "and unless, also, the session be protracted on a request by the governor, or by a vote of two-thirds of the members of the legislature."

Mr. SCOTT of Baton Rouge, moved to strike out the latter part of the amendment, the words "or by a vote of two-thirds of the members of the legislature."

His motion was adopted.

And the yeas and nays being called for on the adoption of the amendment of Mr. Downs, as amended, resulted as follows:

Messrs. Burton, Cade, Covillion, Downs, Humble, Mayo, Preston, Pugh, Scott of Feliciana, Taylor of St. Landry, and Wikoff voted in the affirmative—11 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Carriere, Chambliss, Chinn, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Grymes, Hudspeth, Hynson, Kenner, King, Labauve, Legendre, Leonard, Lewis, McCallop, McRae, Marigny, Mazureau, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wederstrandt and Winder voted in the negative—51 nays; the motion was consequently lost.

Mr. READ moved to adopt the proviso as amended, and called for the yeas and nays.

Mr. BEATTY moved for a division, that the Convention first proceed to adopt the first paragraph of said proviso, and his motion prevailed.

The yeas and nays being then called for on the adoption of the first paragraph, resulted as follows:

Messrs. Aubert, Benjamin, Brazeale, Brent, Cade, Carriere, Chambliss, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Eustis, Grymes, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Labauve, Legendre, Leonard, Lewis, McCallop, Marigny, Mazureau, Peets, Penn, Porche, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Taylor of

Assumption, Taylor of St. Landry, Trist, Voorhies, Wederstrandt, Winchester and Winder voted in the affirmative—50 yeas; and

Messrs. Beatty, Bourg, Briant, Burton, Chinn, Covillion, Dunn, King, McRae, Mayo, Porter, Preston, Pugh, Ratliff, Sellers, Stephens, Waddill and Wikoff voted in the negative—18 nays; the motion was adopted.

Mr. BEATTY then offered to amend the said proviso by adding after the word "commencement," the words "and that any legislative action had after the expiration of the said sixty days, shall be null and void."

Mr. COVILLION moved to lay the amendment on the table indefinitely, and called for the yeas and nays; and

Messrs. Bourg, Brazeale, Briant, Burton, Carriere, Chambliss, Conrad of New Orleans, Conrad of Jefferson, Covillion, Garcia, Humble, Hynson Mayo, Penn, Prescott of Avoyelles, Prescott of St. Landry, Preston, Pugh, Ratliff, Taylor of Assumption, Waddill, Wederstrandt and Winchester voted in favor of the motion—24 yeas; and

Messrs. Aubert, Beatty, Benjamin, Briant, Cade, Cènas, Chinn, Culbertson, Derbes, Downs, Dunn, Eustis, Grymes, Garrett, Guion, Hudspeth, Kenner King, Labauve, Legendre, Leonard, Lewis, McCallop, McRae, Marigny, Mazureau, Peets, Porche, Porter, Prudhomme, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of St. Landry, Trist, Voorhies, Wikoff and Winder voted in the negative—47 nays; the motion was lost.

On motion of Mr. BEATTY the amendment was adopted.

Mr. MARIGNY offered the following resolution, viz:

Resolved, That the mileage of the members of both houses of the general assembly shall be so calculated as never to exceed forty dollars for going to, and returning from the seat of government.

On motion of Mr. BEATTY the said amendment was laid on the table indefinitely.

Mr. MAYO moved to strike out from said section, in the 5th line, the words "going to and returning from," and insert in the 6th line, after the word "houses," the words

“and ten cents per mile for travelling to, and returning from the place where the sessions of the legislature may be held.”

Mr. BEATTY moved that said amendment be laid on the table indefinitely, and the yeas and nays being called for, resulted as follows:

Messrs. Aubert, Beatty, Bourg, Brazeale, Briant, Chambliss, Chinn, Conrad of Orleans, Downs, Dunn, Garcia, Guion, Hudspeth, Humble, Hynson, Ledoux, Lewis, McCallop, McRae, Peets, Penn, Porter, Preston, Prudhomme, Read, Roman, Roselius, Saunders, Scott of Baton Rouge, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Wikoff, Winchester and Winder voted in the affirmative—37 yeas; and

Messrs. Brent, Burton, Cade, Cènas, Conrad of Jefferson, Covillion, Culbertson, Derbes, Eustis, Garrett, Kenner, Labauve, Leonard, Marigny, Mayo, O'Bryan, Porche, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Ratliff, St. Amand, Scott of Feliciana, Soulé, Trist, Voorhies, Waddill and Wederstrandt voted in the negative—28 nays; the motion was carried.

Mr. BEATTY then moved the adoption of the section as amended, viz:

SEC. 20. The members of the general assembly shall severally receive from the public treasury a compensation for their services, which shall be four dollars per day, during attendance on, going to and returning from the sessions of their respective houses, provided that the same shall be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alteration shall have been made: and provided, also, that no session shall extend to a period of beyond sixty days, to date from its commencement; and that any legislative action had after the expiration of the said sixty days, shall be null and void, except the session of the first legislature which is to convene after the adoption of this constitution.

The yeas and nays being called for, resulted as follows:

Messrs. Aubert, Beatty, Bourg, Brazeale, Brent, Briant, Brumfield, Cade, Chambliss, Chinn, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Ledoux, Le-

gendre, Leonard, Lewis, McCallop, Marigny, Peets Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wederstrandt, Wikoff, Winchester and Winder voted in the affirmative—58 yeas; and

Messrs. Burton, Covillion, McRae, Mayo, O'Bryan, Preston, Ratliff and Waddill voted against the motion—8 nays; and consequently the same was carried.

On motion the Convention took under consideration section 21st, viz:

SEC. 21. The members of the general assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

The same was adopted.

Then the Convention proceeded to section 22d, viz:

SEC. 22. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during the time such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

The same was adopted.

The Convention next took up the 23d section, viz:

SEC. 23. No person while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society or sect, shall be eligible to the general assembly, or to any office of profit or trust, under this State.

On motion of Mr. LEWIS said section was laid on the table, subject to call.

The Convention then took up the 24th section, viz:

SEC. 24. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the general assembly, or to any other office of

profit or trust under the State government, until he shall have obtained a quietus for the amount of such collection, and for all public moneys with which he may have been entrusted.

The said section was adopted.

The Convention then took up the 25th section, viz:

SEC. 25. No bill shall have the force of a law until, on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon, unless in case of urgency, four-fifths of the house where the bill shall be depending may deem it expedient to dispense with this rule.

The section was adopted.

The Convention proceeded to the consideration of the 26th section, viz:

SEC. 26. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in other bills; provided, that they shall not introduce any new matter under the color of an amendment which may not relate to raising a revenue.

The section was adopted.

Then the Convention took up the 27th section, viz:

SEC. 27. The general assembly shall regulate by law, by whom and in what manner writs of election shall be issued to fill vacancies which may happen in either branch thereof.

On motion, said section was adopted.

Mr. CONRAD of New Orleans, gave notice that he would move the re-consideration of the vote given on the 8th section, for the purpose of offering the following amendment, viz:

"And shall, during said year, have paid, or become liable to pay a state tax to the amount of one dollar; or who, or whose father or mother shall during said year have been a housekeeper or head of a family, or paid rent to the amount of dollars."

Mr. CONRAD then moved that the same be printed; which motion was lost.

Mr. GARRETT offered the following resolution, viz:

"Resolved, that the committee of revision be instructed to add a proviso to the 8th section of the 2d article, to the effect that the provision in the 8th section of this article, requiring a residence of two years in this state before any person shall be a qual-

ified elector, shall not be so construed as to deprive any person of the right of voting who is entitled to that right under the constitution of 1812, at the time of the adoption of this constitution."

On motion, the same was referred to the committee of revision.

Mr. TAYLOR of Assumption, called up the 11th section, viz:

SEC. 11. Absence from the State shall interrupt the residence required in the preceding section, unless the person absenting himself shall be a housekeeper, and his dwelling shall be actually and exclusively occupied during his absence by his family or some portion thereof.

To which he offered the following substitute, viz:

"Absence from the State for more than sixty days shall interrupt the residence acquired in the preceding section, unless the person absenting himself shall be a housekeeper, or shall occupy a tenement for carrying on some business or mechanical pursuit, and his dwelling house or the tenement for carrying on his business, or mechanical pursuit, shall be actually and exclusively occupied during his absence by his family or servants, or some portion thereof, or by some one employed by him in business or mechanical pursuit."

On motion of Mr. CONRAD of New Orleans, the said substitute was laid on the table subject to call, and ordered to be printed.

Mr. SCOTT of Feliciana, moved that the Convention take under consideration the 9th section of article 2d.

And previous to the reading of the same, the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE—Members absent, Messrs. Boudousquié and Wadsworth.

TUESDAY, February 11, 1845.

The convention met pursuant to adjournment.

The Rev. Mr. SCOTT opened the proceedings by prayer.

ORDER OF THE DAY.

Article 2d, as reported by the committee.

SEC. 9. "The members of the Senate shall be chosen for the term of four years, and when assembled, shall have the power to choose its officers every two years."

On motion of Mr. SCOTT of Feliciana, said section was adopted.

The 10th section was then called up, of article 2d, and pending the reading of the same, Mr. TAYLOR, of Assumption, moved that it be laid on the table, subject to call, and his motion prevailed.

The Convention took under consideration section 11th. Pending the reading of it, Mr. CONRAD of New Orleans, moved that the said section and all others in relation to the same subject, be laid on the table, subject to call; his motion was adopted.

On motion of Mr. BENJAMIN, the convention then took under consideration the 4th section of article 2d, as reported by the committee, viz:

Sec. 4. No person shall be a representative who, at the time of his election, is not a free white male citizen of the United States, and hath not attained the age of twenty-one years, and resided in the State two years next preceding his election, and the last year thereof in the parish for which he may be chosen.

To which Mr. CHINN offered the following amendment, viz: "And shall hold and possess in his own name, landed property to the value of at least five hundred dollars."

Mr. VOORHIES moved to reject said amendment, and the yeas and nays being called for, resulted as follows:

Messrs. Brazeale, Brent, Brumfield, Barton, Cade, Carriere, Cenas, Chambliss, Claiborne, Conrad of Jefferson, Couvillion, Dunn, Eustis, Garrett, Grymes, Guion, Hudspeth, Humble, Hynson, Kenner, King, LaBauve, McCallop, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt, Wikoff, and Winder voted in the affirmative—52 ayes.

Messrs. Beatty, Benjamin, Bourg, Briant, Chinn, Conrad of New Orleans, Culbertson, Derbes, Legendre, Lewis, Pugh, Roman, and St. Amand voted in the negative—nays 13. The motion was carried.

A call being made upon the President

to declare whether the section reported by the committee, or that section as amended at previous sittings, was the section under consideration.

The President decided that the section as amended was before the convention.

Mr. DOWNS appealed from the decision of the chair, and the yeas and nays being called for, resulted as follows:

Messrs. Aubert, Beatty, Benjamin, Bourg, Brazeale, Briant, Brumfield, Cenas, Chambliss, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Couvillion, Culbertson, Derbes, Dunn, Garrett, Grymes, Guion, Hudspeth, Hynson, Kenner, King, LaBauve, Legendre, Lewis, Mazureau, Prescott of Avoyelles, Prudhomme, Pugh, Roman, St. Amand, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff, and Winder, voted in favor of the decision of the chair—41 ayes.

Messrs. Brent, Burton, Cade, Carriere, Downs, Eustis, Humble, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Trist, Waddill, and Wederstrandt voted against the decision of the chair—31 nays, consequently the decision was sustained.

Mr. GUION moved to strike out the word "four," and insert in lieu thereof, the word "three."

Mr. DOWNS moved for a division, that is, the convention first proceed to strike out, which motion was adopted.

Mr. PRESCOTT of St. Landry, offered the following substitute, viz:

Section 4. "All persons enjoying the right of suffrage under this constitution, shall be eligible to a seat in the House of Representatives."

The President decided the substitute was inadmissible, because the division of a question was then pending before the convention, and could be received only after the decision of the two branches of the question by the convention.

Mr. DOWNS moved to lay on the table, indefinitely, the motion to strike out, which motion was lost.

The yeas and nays being then called

for, on the motion of Mr. GUION, to strike out the word "*four*" resulted as follows:

Messrs. Aubert, Benjamin, Bourg, Brazeale, Brent, Briant, Cade, Carriere, Cenas, Chambliss, Chinn, Conrad of Orleans, Downs, Eustis, Garrett, Guion, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Trist, Waddill, and Wederstrandt voted in the affirmative---44 ayes.

Messrs. Beatty, Brumfield, Burton, Claiborne, Conrad of Jefferson, Couvillion, Culbertson, Derbes, Dunn, Garcia, Grymes, Hudspeth, Kenner, King, LaBauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, St. Amand, Saunders, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff, and Winder voted in the negative---29 nays. The motion was adopted.

Mr. GUION then moved that the blank be filled with the word "*three*," and the ayes and nays being called for, resulted as follows:

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Burton, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Couvillion, Culbertson, Derbes, Dunn, Garcia, Grymes, Guion, Hudspeth, Kenner, King, LaBauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, St. Amand, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff, and Winder voted in favor of the motion---38 ayes.

Messrs. Brazeale, Brent, Cade, Carriere, Chambliss, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Trist, Waddill, and Wederstrandt voted against the motion---35 nays, consequently the same was adopted.

Mr. PRESCOTT of St. Landry, then renewed the substitute offered by him and decided by the chair to be out of order,

viz: Sec. 4. "All persons enjoying the right of suffrage under this constitution, shall be eligible to a seat in the House of Representatives."

Mr. CONRAD of New Orleans, moved that the same be laid on the table indefinitely, and called for the yeas and nays:

YEAS---Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Barton, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Couvillion, Culbertson, Derbes, Dunn, Garcia, Grymes, Guion, Hudspeth, Kenner, King, LaBauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, St. Amand, Saunders, Sellers, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff, and Winchester voted in the affirmative--38 ayes.

Messrs. Brazeale, Brent, Cade, Carriere, Chambliss, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Waddill, and Wederstrandt voted in the negative---36 nays. The motion was lost.

Mr. BRENT moved to strike out all of the 4th section of article 2d, as amended, and the yeas and nays being called for:

Messrs. Brazeale, Brent, Cade, Carriere, Chambliss, Downs, Eustis, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Waddill, and Wederstrandt voted in the affirmative---36 ayes.

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Burton, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Couvillion, Culbertson, Derbes, Dunn, Garcia, Garrett, Grymes, Guion, Hudspeth, Kenner, King, LaBauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff, Winchester, and

Winder voted against the motion—40 nays, consequently the same was lost.

Mr. CLAIBORNE offered the following substitute, viz: "No person shall be a representative who, at the time of his election, has not been for three years a free white male citizen of the United States, and hath not attained the age of twenty one years, and resided in the State for the three years next preceding the election, and the last year thereof in the parish for which he may be chosen."

And the ayes and nays being called for:

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Burton, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Couvillion, Culbertson, Derbes, Garrett, Grymes, Guion, Hduspeth, Kenner, King, LaBauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Scott of Feliciana, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff, and Winchester voted in favor of the adoption—38 ayes.

Messrs. Brazeale, Brent, Cade, Carriere, Chambliss, Downs, Garcia, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Madison, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Waddill, Wederstrandt, and Winder voted in the negative—35 nays, consequently the substitute was adopted.

Mr. BENJAMIN moved that the convention take under consideration the 1st section of article 3d, as reported by the majority, viz:

Article 3d as reported by the majority. Section 1st: "The supreme executive power of this State, shall be vested in a chief magistrate, who shall be styled the governor of the state of Louisiana. He shall hold his office during the term of four years, and together with the lieutenant governor, chosen for the same term, be elected as follows."

On motion said section was adopted.

The convention then proceeded to the consideration of section 2d of said article 3d, viz:

Section 2d. "The citizens entitled to vote for representatives, shall vote for a

governor and lieutenant governor, at the time and place of voting for representatives; their votes shall be returned by the officers presiding over the election, to the seat of government, addressed to the speaker of the House of Representatives, and on the second day of the session of the general assembly then next to be holden, the members of the general assembly shall meet in the house of representatives, to examine and count the votes. The person having the greatest number of votes for governor, shall be declared duly elected, if such number be a majority of all the votes given, but if no person have such a majority, then from the two persons having the highest numbers on the list of those voted for as governor, the general assembly shall choose immediately by ballot the governor. The person having a majority of the votes given for lieutenant governor, shall be the lieutenant governor, and if no person have a majority, then from the two persons having the highest numbers on the list, the general assembly shall in the same manner, choose the lieutenant governor.

Mr. LEDOUX moved as a substitute to the foregoing section, the 2d section of the minority, report, viz, by Mr. LEDOUX:

Section 2d. The governor shall be elected by the qualified electors of the State, at the same time and place where they shall respectively vote for representatives and senators. The returns of every election shall be sealed up, and transmitted to the Secretary of State, who shall deliver them to the speaker of the house of representatives, who shall open and publish them in the presence of both houses of the general assembly; the person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of the general assembly. Contested elections for governor shall be determined by both houses of the legislature, in such manner as shall be prescribed by law.

Mr. LEWIS moved to strike out from the section reported by the majority, from the words "elected" in the 19th line, to the word "governor" in the 24th line.

Mr. SOULE proposed to amend the section reported by Mr. LEDOUX, of the minority, by adding the words "and lieutenant

ant governor," after the word "governor" in the first line.

And pending the discussion, the Convention adjourned till to-morrow at 11 o'clock, a. m.

WEDNESDAY, February 12, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. HINTON opened the proceedings by prayer.

On motion of Mr. RATLIFF, leave of absence was granted Mr. Scott of Feliciana.

Mr. SPLANE, chairman of the committee appointed to inquire into the causes why the official proceedings of the Convention were not regularly published in the papers, submitted the following report and resolution, viz:

"The committee appointed to inquire into the causes why the official proceedings of the Convention were not regularly published in the papers, beg leave to report, that they have fully investigated the facts in relation to the delay in said publications, and find that our Reporter in English is not sufficient to complete the work daily allotted to him. Therefore, be it *Resolved*, that this Convention do now proceed to the election of one additional reporter in English."

Mr. SPLANE moved the adoption of the report and resolution, and the ayes and nays being called for, resulted as follows:

Messrs. *Benjamin, Brazeale, Brent, Burton, Cade, Cénas, Chambliss, Downs, Dunn, Eustis, Humble, Ledoux, McCallop, McRae, Mayo, Peets, Porche, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Preston, Read, Saunders, Scott* of Baton Rouge, *Scott* of Madison, *Soulé, Splane, Stephens, Taylor* of Assumption, *Taylor* of St. Landry, *Trist, Waddill* and *Wederstrandt* voted in the affirmative—33 yeas; and

Messrs.—*Auburt, Beatty, Briant, Brumfield, Chinn, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Garrett, Guion, Hudspeth, Hynson, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, O'Bryan, Penn, Prudhomme, Pugh, Ratliff, Roman, St. Amand, Sellers, Voorhies, Wikoff* and *Winder* voted in the negative—32 nays;

And Mr. LABAUVE in the chair voted in the minority, made the division equal, consequently the motion was lost.

Mr. VOORHIES having voted with the majority, moved the reconsideration of his vote; which motion was allowed.

Mr. BEATTY then moved that the report and resolution be laid on the table and made the special order of the day, for to-day at two o'clock; which motion prevailed.

Mr. EUSTIS, chairman of the committee of revision, submitted the following report, viz:

"The committee of revision report the first and second sections of the first article of the constitution of Louisiana."

Mr. CONRAD of New Orleans, offered the following resolution, viz:

"Resolved, That the committee on revision be instructed to report the constitution article by article, and that the same be printed under the direction of the committee, in such manner as to exhibit clearly the alterations and corrections made by them."

On motion, said resolution was adopted.

Mr. CONRAD of New Orleans, submitted the following resolution, and the same was adopted, viz:

"Resolved, that Thursday of each week, after the report of the committee of revision has been made and printed, be set aside for the examination of said report."

Mr. KENNER moved to strike out the word "Thursday," and insert in lieu thereof, the word "Saturday;" which motion was lost.

Mr. BEATTY gave notice that he would on Friday next move the reconsideration of the 5th section of article 2d.

ORDER OF THE DAY.

ARTICLE THIRD AS REPORTED BY THE MAJORITY.

SEC. 2d. The citizens entitled to vote for representatives shall vote for a governor and lieutenant governor, at the time and place of voting for representatives. Their votes shall be returned by the officers presiding over the election to the seat of government, addressed to the speaker of the house of representatives, and on the second day of the session of the general assembly then next to be holden. The members of the general assembly shall meet in the house of representatives to examine and count the votes. The person having the greatest number of votes for governor, shall be declared duly elected, if such number be a majority of all the votes given; but if no person have such a majority, then from the

two persons having the highest numbers on the list of those voted for as governor, the general assembly shall choose immediately by ballot the governor. The person having a majority of the votes given for lieutenant governor, shall be the lieutenant governor; and if no person have a majority, then from the two persons having the highest numbers on the list, the general assembly shall, in the same manner, choose the lieutenant governor.

Mr. LEDOUX offered as a substitute for said section, the 2d section of article 3d of the report of the minority, reported by Mr. LEDOUX, viz:

SEC. 2d. The governor shall be elected by the qualified electors of the State, at the same time and place where they shall respectively vote for representatives and senators. The returns of every election shall be sealed up, and transmitted to the secretary of state, who shall deliver them to the speaker of the house of representatives, who shall open and publish them in presence of both houses of the general assembly. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of the general assembly.

Contested elections for governor shall be determined by both houses of the legislature in such manner as shall be prescribed by law.

Mr. LEWIS moved to amend the 2d section of the report of the majority by striking out in the 19th line, the words "if such number be a majority of all the the votes given; but if no person have such a majority, then from the two persons having the highest numbers on the list of those voted for as governor, the general assembly shall choose immediately by ballot, the governor."

Mr. MAYO offered the following amendment to the 2d section of the report of the minority, as reported by Mr. LEDOUX, viz:

SEC. 2d. The citizens entitled to vote for representatives shall vote for a governor and lieutenant governor, at the time and place of voting for representatives. The returns of every election shall be sealed up and transmitted to the secretary of state, who shall deliver them to the speaker of the house of representatives, and during

the first week of the session of the general assembly then next to be holden, the members of the general assembly shall meet in the house of representatives to examine the returns of the election. The person having the highest number of votes for governor, shall be governor; but if two or more shall be equal and highest in votes for governor, one of them shall be chosen governor by the joint vote of the members of the general assembly.

The person having the highest number of votes for lieutenant governor, shall be lieutenant governor; but if two or more persons shall be equal and highest in votes for lieutenant governor, one of them shall be chosen lieutenant governor by the joint vote of the members of the general assembly.

Mr. CHINN moved that the substitutes and amendments be laid on the table, and called for the ayes and nays; which resulted as follows, viz:

Messrs. *Aubert, Beatty, Benjamin, Boudousquière, Bourg, Briant, Brumfield, Cade, Cénas, Chinn, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Culbertson, Derbès, Dunn, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Leonard, Lewis, McCallop, Prescott* of St. Landry, *Preston, Prudhomme, Pugh, Ratliff, Roman, St. Amand, Saunders, Sellers, Splane, Stephens, Taylor* of St. Landry, *Trist, Voorhies, Winchester* and *Winder* voted in the affirmative—43 yeas; and

Messrs. *Brazeale, Brent, Burton, Carriere, Chambliss, Covillion, Downs, Humble, Hynson, Ledoux, McRae, Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Prescott* of Avoyelles, *Read, Scott* of Baton Rouge, *Scott* of Madison, *Taylor* of Assumption, *Waddill* and *Wederstrandt* voted in the negative—24 nays; consequently the motion was adopted.

Mr. MAYO, then offered the following amendment, to be inserted after the last word "representatives," in the first paragraph. "The returns of every election shall be sealed up and transmitted to the secretary of state, who shall deliver them to the speaker of the house of representatives; and during the first week of the session of the general assembly, then next to be holden, the members of the general assembly shall meet in the house of representatives to ex-

amine the returns of the election. The person having the highest number of votes for governor, shall be governor; but if two or more shall be equal and highest in votes for governor, one of them shall be chosen governor by the joint vote of the members of the general assembly.

"The person having the highest number of votes for lieutenant governor shall be lieutenant governor; but if two or more persons shall be equal and highest in votes for lieutenant governor, one of them shall be chosen lieutenant governor by the joint vote of the members of the general assembly."

Mr. LEWIS moved to strike out from the nineteenth line the words, "if such number be a majority of all the votes given; but if no person have such a majority, then from the two persons having the highest numbers on the list of those voted for as governor, the general Assembly shall choose immediately by ballot, the governor," and insert in lieu thereof the words, "but if two or more persons shall be equal and highest in the number of votes polled for governor, one of them shall be immediately chosen governor by joint vote of the members of the general assembly."

Mr. DOWNS moved for a division, that is that the Convention first proceed to "strike out," to which Mr. Lewis accorded, and pending the discussion, Mr. Beatty called the attention of the Convention to the order of the day, it being the hour appointed for it.

ORDER OF THE DAY.

The committee appointed to enquire into the causes why the official proceedings of the Convention are not regularly published in the paper, beg leave to report that they have fully investigated the facts in relation to the delay in said publications, and find that one reporter in English is not sufficient to complete work daily allotted to him; therefore, be it resolved, that the Convention do now proceed to the election of one additional reporter in English.

And the yeas and nays being called for, Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Downs, Dunn, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Madison, Splane, Stephens, Taylor of Assumption, Taylor of St.*

Landry, Trist, Voorhies, Waddill and *Wederstrandt* voted in the affirmative—34 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Carriere, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbès, Garcia, Garret, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, O'Bryan, Prudhomme, Pugh, Ratliff, Roman, St. Amand, Sellers, Winchester and Winder* voted in the negative—34 nays; the vote being equally divided, the president voted in the affirmative; the report and resolution was consequently adopted.

Mr. VOORHIES offered the following resolution, viz:

"Resolved, That this Convention shall meet every day, the 22d of February and Sundays excepted, at 11 o'clock a. m., and at 6 o'clock p. m., for the disposal of business, and any member who shall fail to attend at a morning or evening session shall be considered an absentee for that day, and not entitled to his *per diem*."

And the question being called for on the adoption of the above resolution, resulted as follows:

Messrs. *Brazeale, Brent, Cade, Carriere, Covillion, Downs, Humble, McRae, Marigny, O'Bryan, Peets, Penn, Porter, Preston, Prudhomme, Read, Scott of Madison, Voorhies and Waddill* voted in the affirmative—19 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Burton, Chambliss, Chinn, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Garrett, Guion, Hudspeth, Hynson, Kenner, Labauve, Ledoux, Legendre, Leonard, Lewis, McCallop, Mayo, Mazureau, Porche, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Ratliff, Roman, St. Amand, Saunders, Scott of Baton Rouge, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Wadsworth, Wederstrandt, Winchester and Winder* voted in the negative—49 nays; the motion was lost.

Mr. VOORHIES then offered the following resolution, viz:

"Resolved, That this Convention shall meet every day, the 22d February and Sundays excepted, at 10 o'clock a. m., for the disposal of business."

Mr. MAYO moved "to reject said resolution, and called for the yeas and nays, and Messrs. Boudousquie, Culbertson, Derbes, Kenner, Labauve, Legendre, Leonard, Mayo, Mazureau, O'Bryan, Porche, Prudhomme, Ratliff, Scott of Baton Rouge, Stephens, Taylor of Assumption, Wadsworth and Winchester voted in the affirmative—18 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Claiborne, Conrad of New Orleans, Covillion, Downs, Dunn, Garcia, Garrett, Guion, Hudspeth, Humble, Hynson, King, Ledoux, Lewis, McCallop, McRae, Marigny, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St Landry, Preston, Pugh, Read, Roman, St. Amand, Saunders, Scott of Madison, Sellers, Splane, Taylor of St. Landry, Trist, Voorhies, Wuddill, Wederstrandt and Winder voted in the negative—50 nays; and the motion was lost.

Mr. DUNN then moved that the Convention proceed to the election of an additional English reporter.

Sixty-nine members present.

Mr. WADSWORTH nominated Mr. Corcoran.

Mr. SPLANE nominated Mr. Ilsley.

The PRESIDENT appointed Messrs. Wadsworth and Culbertson tellers.

And on counting the votes it appeared that Mr. Corcoran had obtained 30 votes.

Mr. Ilsley,	37	"
Blank,	2	"

Total,	69
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Mr. Ilsley having obtained thirty-seven votes, was proclaimed by the president as being duly elected reporter in English to the Convention.

On motion the Convention adjourned till to-morrow at 10 o'clock A. M.

NOTE.—Members absent, Mr. Scott of Feliciana, on leave.

THURSDAY, February 13, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the President called upon the Hon. delegate from Sabine, (Mr. STEPHENS) who opened the proceedings by a most fervent prayer.

On motion, leave of absence was grant-

ed to Messrs. SELLERS and WINDER, on account of illness.

Mr. VOORHIES submitted the following resolution. viz:

"Resolved, that the members of this Convention who shall fail to attend or answer to their names when called by the secretary, at 10 o'clock, a. m., pursuant to the resolution heretofore adopted, shall be considered as absentees, and as such forfeit their *per diem*."

Which motion was lost.

ORDER OF THE DAY.

ARTICLE THIRD, AS REPORTED BY THE MAJORITY.

SEC. "The citizens entitled to vote for representatives, shall vote for a governor and lieutenant governor, at the time and place of voting for representatives; their votes shall be returned by the officers presiding over the election, to the seat of government, addressed to the speaker of the house of representatives, and on the second day of the session of the general assembly then next to be holden, the members of the general assembly shall meet in the house of representatives, to examine and count the votes. The person having the greatest number of votes for governor shall be declared duly elected, if such number be a majority of all the votes given; but if no person have such a majority, then from the two persons having the highest numbers on the list of those voted for as governor, the general assembly shall choose immediately, by ballot, the governor. The person having a majority of the votes given for lieutenant governor, shall be the lieutenant governor; and if no person have a majority, then from the two persons having the highest numbers on the list, the general assembly shall, in the same manner, choose the lieutenant governor."

Mr. LEWIS moved to amend said section by striking out, commencing in the 19th line, the words: "If such number be a majority of all the votes given; but if no person have such a majority, then from the two persons having the highest numbers on the list of those voted for as governor, the general assembly shall choose immediately, by ballot, the governor," and insert in lieu thereof the words "but if two or more persons shall be equal and highest in the number of votes polled for governor, one of them shall be immediately chosen governor;

The following Statement is to follow the 12th section of the report of the committee to whom was referred the 6th section of article 2d, as reported by the majority, in the proceedings of the 13th of February, 1845; and to face page 56.

STATEMENT, BY SUB-COMMITTEE,
SHOWING THE REPRESENTATION OF THE SEVERAL PARISHES, ON THE VARIOUS PRINCIPLES SUBMITTED TO THEM.

PARISHES.	WHITES.			Free persons of color.	Slaves.	Federal numbers.	Total population.	Reps. No. 1746.	Reps. No. 3222.	Reps. No. 490.	Reps. No. 3676.	Voters at Presidential election in 1844.	Federal population, by census of U. S. and Tax Roll of 1843.	Reps. No. 276.	Reps. No. 3636.
	Males.		Total White population.					Reps. on basis of White population.	Reps. on basis of Federal population.	Reps. on basis of Voters.	Reps. on basis of Total population.			Reps. on basis of votes of 1844.	Reps. on basis of Federal Nos by Tax Roll of 1843.
	Under 20 years.	Over 20 years.													
Ascension - - -	604	605	2,255	143	4,553	5,129	6,951	1 X509	2—1907	1 X115	2—3275	503	5,478	2—227	2—1842
Assumption - - -	1,261	888	4,103	66	2,988	5,961	7,157	2 X611	2—2739	2—398	2—3481	569	6,105	2 X17	2—2479
Avoyelles - - -	984	696	3,066	68	3,472	5,217	6,606	2—1320	2—1995	1 X206	2—2930	553	5,436	2 X1	1 X1800
Baton Rouge, E. -	964	1,131	3,750	182	4,206	6,455	8,138	2 X258	2 X11	2 X251	2 X786	724	6,678	3—172	2—3042
Baton Rouge, W. -	390	375	1,371	120	3,147	3,379	4,638	1—1371	1 X157	1—375	1 X952	313	h,786	1 X37	1 X150
Bernard, St. - - -	264	356	1,035	65	2,137	2,382	3,237	1—1035	1—2382	1—356	1—3237	269	2,012	1—269	1—2012
Bossier - - - -								1	1	1	1	162		1—162	1
Caddo - - - -	687	731	2,416	29	2,837	4,147	5,282	1 X670	1 X925	1 X241	1 X1604	365	4,136	1 X89	1 X500
Calcasieu - - -	405	306	1,349	226	482	1,864	2,057	1—1356	1—1864	1—306	1—2057		1,913	1	1—1913
Caldwell - - -	412	321	1,356	14	649	1,759	2,019	1—1349	1—1759	1—321	1—2019	263	1,818	1—263	1—1818
Carroll - - - -	303	361	1,146	9	3,082	3,004	4,237	1—1146	1—3004	1—361	1 X561	411	h,367	1 X135	1 X31
Catahoula - - -	836	772	2,935	22	1,958	4,131	4,915	2—1189	1 X909	2—282	1 X1239	547	h,957	2—271	1 X321
Charles, St. - - -	228	245	874	104	3,722	3,211	4,700	1—874	1—3211	1—245	1 X1024	138	h,225	1—138	1—3225
Claiborne - - -	1,159	960	3,846	44	2,295	5,267	6,185	2 X344	2—2045	2—450	2—2509	571	4,827	2 X19	1 X1191
Concordia - - -	287	592	1,380	31	8,003	6,212	9,414	1—1380	2—2990	1 X102	2—2062	283	4,60	1 X7	1 X965
De Soto - - - -								1	1	1	1	202		1—202	1
Feliciana, E. - -	1,081	1,153	3,992	30	7,831	8,720	11,853	2 X500	3—2276	2 X173	3 X825	748	8,727	3—196	2 X1455
Feliciana, W. - -	481	697	2,064	91	8,755	7,408	10,910	1 X218	2 X964	1 X207	3—3558	551	7,27	2—275	2—3635
Franklin - - - -								1	1	1	1	292		1 X16	1
Helena, St. - - -	620	426	1,945	7	1,573	2,895	3,525	1 X199	1—2895	1—426	1—3525	376	2,870	1 X100	1—2870
Iberville - - - -	620	733	2,523	85	5,887	6,140	8,495	1 X777	2—2918	1 X243	2 X1143	488	6,496	2—212	2—2860
James, St. - - -	769	664	2,762	75	5,711	6,265	8,548	2—916	2—3043	1 X174	2 X1196	532	6,286	2—256	2—2650
Jefferson - - -	1,216	1,907	4,866	618	4,986	8,475	10,470	3—1374	3—2031	4—437	3—3128	837	7,862	3 X9	2 X590
John Baptist, St. -	623	485	2,141	191	3,444	4,398	5,776	1 X395	1 X1176	1—485	2—2100	255	4,431	1—255	1 X795
Lafourche Interior -	1,221	851	3,986	71	3,246	6,004	7,303	2 X494	2—2782	2—361	2—3627	608	6,109	2 X56	2—2463
Lafayette - - -	1,422	948	4,474	134	3,233	6,547	7,841	3—982	2 X103	2—458	2 X489	592	6,775	2 X40	2—3139
Landry, St. - - -	2,189	1,639	7,179	925	7,129	12,381	15,233	4 X195	4—2715	3 X169	4 X529	1365	12,809	5—261	4—1901
Livingston - - -	474	375	1,533	43	689	1,989	2,265	1—1533	1—1989	1—375	1—2265	329	1,957	1 X53	1—1957
Madison - - - -	290	465	1,210	9	3,923	3,572	5,142	1—1210	1 X350	1—465	1 X1466	404	4,054	1 X128	1 X428
Martin, St. - - -	1,092	863	3,549	484	4,641	6,817	8,674	2 X57	1 X373	2—370	2 X1322	782	7,178	3—230	2—3542
Mary, St. - - -	641	627	2,366	298	6,286	6,435	8,950	1 X620	2—3213	1 X137	2 X1598	494	6,798	2—218	2—3162
Morehouse - - -								1	1	1	1	138		1—138	1
Natchitoches - -	1,988	1,975	7,042	657	6,651	11,689	14,350	4 X58	4—2023	4 X5	4—3322	1102	11,571	4—274	3 X663
Orleans - - - -	11,532	23,371	59,519	19,226	23,450	92,815	102,195	34 X155	29—2599	47 X341	28—2943	5638	83,559	20 X118	23—3567
1st Municipality -	5,877	10,862	27,904	8,766	11,461	43,546	48,131	16—1714	14—1660	22 X82	13 X343	2121		8—189	
2d Municipality -	2,296	6,857	15,062	1,491	4,470	19,235	21,023	9—1094	6—3125	14—487	6—2643	2723		10—239	
3d Municipality -	2,991	4,922	14,652	8,704	5,812	26,843	29,168	8 X684	8 X1067	10 X22	8—3436	794		3—242	
West Bank - - -	368	730	1,901	265	1,705	3,189	3,871	1 X155	1—3189	1 X240	1 X195				
Ouachita - - - -	611	629	2,188	14	2,438	3,664	4,640	1 X442	1 X442	1 X139	1 X964	312	3,908	1 X36	1 X272
Plaquemines - - -	295	538	1,351	145	3,385	3,527	4,881	1—1351	1 X305	1 X48	1 X1205	1044	3,560	4—216	1—3560
Pointe Coupée - -	572	599	2,087	381	5,430	5,726	7,898	1 X341	2—2504	1 X109	2 X546	349	6,418	1 X73	2—2782
Rapides - - - -	819	1,002	3,243	378	10,511	9,927	14,132	2—1497	3 X261	2 X22	4—3104	1005	9,972	4—177	3—2700
Sabine - - - -								1	1	1	1	638		2 X86	1
Tammany, St. - -	662	653	2,353	305	1,940	3,822	4,598	1 X607	1 X600	1 X163	1 X922	368	3,573	1 X92	1—3573
Tensas - - - -								1	1	1	1	265		1—265	1
Terrebonne - - -	651	489	2,075	35	2,300	3,490	4,410	1 X329	1 X268	1—489	1 X734	429	3,680	2—153	1 X44
Union - - - -	392	282	1,273	2	563	1,612	1,838	1—1273	1—1612	1—282	1—1838	419	1,975	2—143	1—1975
Vernilion - - -								1	1	1	1	280		1 X4	1
Washington - - -	592	500	1,856	2	791	2,332	2,649	1 X110	1—2332	1 X10	1—2649	357	2,279	1 X81	1—3279
								98—77	99—84	108—73	101—87				

by joint vote of the members of the general assembly."

On motion of Mr. DOWNS, to strike out, the yeas and nays being called for, resulted as follows:

Messrs. Aubert, Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Covillion, Culbertson, Downs, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Leonard, Lewis, McCallop, Marigny, Mayo, Mazureau, Peets, Penn, Porche, Porter, Preston, Prudhomme, Pugh, Ratliff, Read, St. Amand, Saunders, Scott of Baton Rouge, Scott of Madison, Soulé, Splane, Stéphens, Taylor of Assumption, Trist, Voorhies, Waddill and Wederstrandt voted in the affirmative—48 ayes; and

Messrs. Boudousquié, Briant, Chinn, Conrad of New Orleans, Claiborne, Derbes, Dunn, King, Labauve, Legendre, O'Bryan, Roman, Taylor of St. Landry and Wikoff voted in the negative—14 nays; the motion was carried.

Mr. LEWIS then moved to fill the blank with the words "but if two or more persons shall be equal and highest in the number of votes polled for governor, one of them shall be immediately chosen governor by joint vote of the members of the general assembly."

Mr. PRESTON moved to reject said amendment, which motion was lost.

Mr. PRESTON then moved to strike out from the 26th line, the words "and if no person have a majority," &c., to the end of the section, and insert in lieu thereof the words "but if two or more persons shall be equal and highest in the number of votes polled for lieutenant governor, one of them shall be immediately chosen lieutenant governor, by joint vote of the members of the general assembly," which motion was adopted.

Mr. ROMAN moved to strike out, in the 24th line, the word "majority," and insert "the greatest number," which motion prevailed.

Mr. MAYO moved to strike out, from the 19th line, the words "their votes shall be returned by the officers presiding over the elections, to the seat of government, addressed to the speaker of the house of representatives," and insert in lieu thereof the words "the returns of every election shall be sealed up and transmitted by the

proper returning officer created by law, to the secretary of state, who shall deliver them to the speaker of the house of representatives," which motion was adopted,

Mr. LEWIS then moved the adoption of the section as amended, viz:

The citizens entitled to vote for representatives shall vote for a governor and lieutenant governor, at the time and place of voting for representatives. The returns of every election shall be sealed up and transmitted, by the proper returning officer created by law, to the secretary of state, who shall deliver them to the speaker of the house of representatives, and on the second day of the session of the general assembly then next to be holden, the members of the general assembly shall meet in the house of representatives, to examine and count the votes. The person having the greatest number of votes for governor shall be declared duly elected; but if two or more persons shall be equal and highest in the number of votes polled for governor, one of them shall be immediately chosen governor by joint vote of the members of the general assembly. The person having the greatest number of the votes for lieutenant governor shall be lieutenant governor; but if two or more persons shall be equal and highest in the number of votes polled for lieutenant governor, one of them shall be immediately chosen lieutenant governor, by joint vote of the members of the general assembly; which motion prevailed.

Mr. SAUNDERS, chairman of the committee to whom was referred the 6th section of article 2d, as reported by the majority, with leave, submitted the following report and accompanying documents.

Sections reported by the committee of apportionment:

SEC. 8. Each parish shall be entitled to representation in proportion to its population, ascertained and calculated according to the principle of representation adopted in the constitution of the United States; provided, that no parish or city shall ever be entitled to more than one-fifth of the whole number of representatives.

SEC. 9. No new parish shall be created with an extent of territory less than four hundred square miles, not with a population less than the full representative number required at the time of its creation, to entitle it to a representative—nor shall any parish

be so divided as to leave it with a smaller area or population than is above expressed.

SEC. 10. In the year 1846, and every tenth year thereafter, a census shall be made of the population of this State, in such manner as shall be prescribed by law, for the purpose of ascertaining the number of the federal population in each parish.

SEC. 11. At the first regular session of the legislature, after the making of each census, the legislature shall apportion the representation amongst the several parishes, on the basis of the federal population as aforesaid, and in the manner following, to-wit: some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to one additional member for every fraction exceeding the one-half of the divisor—and any parish having a federal population less than the whole divisor, but exceeding one-half of it, shall be entitled to one representative, and the legislature shall be incompetent to act on any other subject matter, until the apportionment directed by this article shall have been made.

SEC. 12. The first representation under this constitution (ascertained as near may be, in accordance with the above principles,) shall continue until the first apportionment be made by the legislature, and shall be as follows, viz:

The parish of Plaquemines,	1
“ St. Bernard,	1
“ Orleans,	
First Municipality	6
Second “	4
Third “	4
“ Right Bank,	1
“ Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	1
“ Iberville,	1
“ West Baton Rouge,	1

The Parish of East Baton Rouge,	2
“ West Feliciana,	2
“ East “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupee,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	1
“ Rapides,	3
“ Natchitoches,	2
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1

Total, 76

On motion of Mr. SAUNDERS the said report was laid on the table and made the order of the day for Monday next.

The Convention then resumed the order of the day, viz:

SECTION THIRD OF THE CONSTITUTION OF 1812.

“The governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.”

On motion said section was adopted: Constitution of 1812. Sec. 7. “The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.”

On motion said section was adopted. Constitution of 1812. Sec. 8. “He shall be commander in chief of the army and navy of this State, and of the militia thereof,

except when they shall be called into the service of the United States, but he shall not command personally in the field, unless he shall be advised so to do by a resolution of the general assembly."

Mr. GRYMES moved to strike out the words "but he shall not command personally in the field, unless he shall be advised so to do by a resolution of the general assembly." Which motion prevailed, and the section was adopted as amended.

On motion of Mr. DOWNS, the Convention took up the sections as reported by the majority, and the first in order being, viz :

SECT. . "No person shall be eligible to the office of governor or lieutenant governor, except a native citizen of the United States, or an inhabitant at the time of the cession thereof to the United States of that portion of territory included in the present limits of the State of Louisiana. Nor shall any person be eligible to either of the said offices who shall not hold, in his own right, landed property situated in said State, of the value of five thousand dollars, agreeably to the tax list, and who shall not have attained the age of thirty-five years, and have been ten years next preceding his election a resident within the State."

Mr. BEATTY moved to strike out all the words in the 3d, 4th, 5th, 6th and 7th lines, viz : "except a native citizen of the United States, or an inhabitant at the time of the cession thereof to the United States of that portion of territory included in the present limits of the State of Louisiana."

And pending the discussion, Mr. BRENT moved that the Convention adjourn till tomorrow, at 10 o'clock, a. m.; the yeas and nays being called for, (Mr. CLAIBORNE in the chair,) resulted as follows :

Messrs. Aubert, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Downs, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Ledoux, Leonard, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Penn, Porche, Porter, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, St. Amand, Saunders, Scott of Baton Rouge, Scott of Madison, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Waddill and Wederstrandt voted in favor of the adjournment—52 ayes; and

Messrs. Chinn, Derbes, Garcia, King, Labauve, Legendre, O'Bryan, Roman, Roselius, Taylor of St. Landry, Voorhies and Wikoff voted against the adjournment—12 nays; consequently the same was carried.

NOTE.—Members absent—Messrs. Scott of Feliciana, absent on leave; and Messrs. Sellers and Winder, absent on account of illness.

FRIDAY, February 14, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WARREN opened the proceedings by prayer.

On motion leave of absence was granted to Mr. Chambliss.

Mr. RATLIFF, chairman of the committee on contingent expenses, submitted the following resolution, viz:

"Resolved, That the sum of thirty dollars be allowed James Carpenter, sergeant at arms, it being for a months' hire of the yellow man Léon, up to this date, February 14, 1845."

Which resolution was adopted.

ORDER OF THE DAY.

ARTICLE THIRD, AS REPORTED BY THE MAJORITY.

SEC. "No person shall be eligible to the office of governor or lieutenant governor except a native citizen of the United States, or an inhabitant at the time of the cession thereof to the United States of that portion of territory included in the present limits of the State of Louisiana; nor shall any person be eligible to either of the said offices, who shall not hold, in his own right, landed property, situated in said State, of the value of five thousand dollars, agreeably to the tax list; and who shall not have attained the age of thirty-five years, and shall have been ten years next preceding his election, a resident within the State."

The debate at the adjournment was on the motion of Mr. BEATTY to strike out from said section the words "except a native citizen of the United States, or an inhabitant, at the time of the cession thereof to the United States, of that portion of the territory included in the present limits of Louisiana."

And pending the discussion, Mr. McRAE moved that the Convention adjourn till tomorrow at 10 o'clock a. m.

Mr. VOORHIES called for the yeas and nays.

Messrs. Aubert, Beatty, Benjamin, Boudousquié, Bourg, Brazeale, Briant, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hudspeth, Kenner, Labauve, Ledoux, Lewis, McCallop, McRae, Marigny, Mayo, O'Bryan, Penn, Porche, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Madison, Soule, Stephens, Taylor of Assumption, Trist, Waddill, Wadsworth, Wederstrandt, Wikoff and Winchester voted for the adjournment—55 yeas; and

Messrs. Brent, Brumfield, Burton, Cade, Carriere, Humble, Legendre, Mazureau, Porter, Splane, Taylor of St. Landry and Voorhies voted against the adjournment—12 nays; consequently the same was carried.

NOTE.—Members absent, Messrs. Scott of Feliciana, Sellers, Chambliss and Winder, all absent on leave.

SATURDAY, February 15, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings by prayer.

On motion, leave of absence was granted to Messrs. Scott of Baton Rouge, Read, McCallop and Ratliff.

Mr. BENJAMIN, member of the committee on contingent expenses, submitted the following resolution, viz:

“Resolved, That an appropriation of five hundred dollars be placed at the disposal of the committee on contingent expenses, to be applied so far as it may be necessary to the payment of the costs of extra printing ordered by authority of the Convention.

On motion, the said resolution was adopted.

ORDER OF THE DAY.

ARTICLE THIRD, AS REPORTED BY THE MAJORITY.

SEC. —. No person shall be eligible to the office of governor, or lieutenant governor, except a native citizen of the United States, or an inhabitant at the time of cession thereof to the United States,

of that portion of territory included in the present limits of the State of Louisiana. Nor shall any person be eligible to either of said offices, who shall not hold, in his own right, landed property situated in said State, of the value of five thousand dollars, agreeable to the tax list; and who shall not have attained the age of thirty-five years, and have been ten years next preceding his election, a resident within the State.

From which section Mr. BEATTY moved to strike out the words of “except a native citizen of the United States, or an inhabitant at the time of the cession thereof to the United States, of that portion of territory included in the present limits of the State of Louisiana.”

And pending the discussion on said motion, the Convention adjourned till Monday next, at 10 o'clock, a. m.

NOTE.—Members absent—Messrs. McCallop, Chambliss, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, absent on leave; and St. Amand.

MONDAY, February 17, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WOOLRIDGE opened the proceedings by prayer.

On motion of Mr. SAUNDERS the report of the committee to whom was referred the 6th section of article 3d, and made the order of the day for to-day, was postponed until the section under discussion be disposed of.

ORDER OF THE DAY.

ARTICLE THIRD, AS REPORTED BY THE MAJORITY.

SEC. No person shall be eligible to the office of governor or lieutenant governor, except a native citizen of the United States, or an inhabitant at the time of cession thereof to the United States, of that portion of territory included in the present limits of the State of Louisiana. Nor shall any person be eligible to either of the said offices, who shall not hold, in his own right, landed property situated in said State, of the value of five thousand dollars, agreeably to the tax list; and who shall not have attained the age of thirty-five years, and have been ten years, next preceding his election, a resident within the State.

To which Mr. BEATTY moved to strike

out the words "except a native citizen of the United States, or an inhabitant at the time of the cession thereof to the United States, of that portion of territory included in the present limits of the State of Louisiana."

Mr. GUION moved that the motion to strike out be laid on the table; and then submitted the following amendment to the said section:

Strike out from the 3d line the words "an inhabitant," and insert "a citizen," and strike out from the 4th, 5th and 6th lines the words "the cession thereof to the United States, of that portion of territory included in the present limits," and insert "the adoption of this constitution."

So that the section as amended would read as follows, viz:

No person shall be eligible to the office of governor, or lieutenant governor, except a native citizen of the United States, or a citizen of the State of Louisiana at the time of the adoption of this constitution.

The president submitted to the Convention a letter of invitation from the secretary of the public schools of municipality number one.

On motion, the Convention adjourned till to-morrow at 10 o'clock a. m.

NOTE.—Members absent, Messrs. Chambliss, Scott of Feliciana, and Seliers, all absent on leave; and Messrs. Ledoux and Porche.

TUESDAY, February 18, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. TWITCHARD opened the proceedings by prayer.

On motion, leave of absence was granted to Messrs. Scott of Madison, and Burton.

Mr. LABAUVE was excused for being absent on yesterday, on account of illness.

On motion of Mr. TAYLOR of Assumption, the vote given on the rule, fixing 10 o'clock, a. m. for the meeting of the Convention, was reconsidered.

On motion, the said rule was rescinded, and the hour of 11 o'clock, a. m., was fixed for the meeting of the Convention.

ORDER OF THE DAY.

ARTICLE THIRD, AS REPORTED BY THE MAJORITY.

SECT. 3. No person shall be eligible to the office of governor or lieutenant governor, except a native citizen of the United

States, or an inhabitant at the time of the cession thereof to the United States of that portion of territory included in the present limits of the State of Louisiana. Nor shall any person be eligible to either of the said offices, who shall not hold in his own right, landed property situated in said State of the value of five thousand dollars, agreeably to the tax list; and who shall not have attained the age of thirty-five years, and have been ten years next preceding his election a resident within the State.

Mr. BEATTY moved to amend said section by striking out the words "except a native citizen of the United States, or an inhabitant at the time of the cession thereof to the United States, of that portion of territory included in the present limits of the State of Louisiana."

Mr. GUION moved to lay said amendment on the table, and called for the yeas and nays.

Mr. WADSWORTH moved to postpone the vote upon said motion, until 1 o'clock, p. m., which motion prevailed.

The next in order came the report of the committee to whom was referred the 6th section of article 2d, and on motion of Mr. Saunders, the same was laid on the table, subject to call.

Mr. CONRAD of New Orleans, then called up the 4th section of article 3d, as reported by the majority, viz:

SECT. 4. The governor shall enter on the discharge of his duties on the second Monday of January, in the year , and shall continue in office until the Monday next preceding the day that his successor shall have been declared duly elected, or until his successor shall have taken the oath or affirmation prescribed by this Constitution.

On motion of Mr. PEETS, the word "second" was stricken out, and the word "fourth" inserted in lieu thereof.

Mr. MAYO moved to strike out the word "or," and insert in lieu thereof the word "and;" which motion prevailed.

On motion of Mr. CHINN, the blank in said section was filled with "1846."

Mr. BENJAMIN moved to strike out the words, "or until his successor shall have taken the oath or affirmation prescribed by this Constitution;" which motion was lost.

On motion of Mr. RATLIFF, the vote to fill the blank with "1846," was reconsidered.

Mr. RATLIFF then moved to strike out "1846;" which motion prevailed.

Mr. CONRAD of New Orleans, moved to strike out the words, "in the year," and insert in lieu thereof the words "next ensuing his election," which motion was adopted.

On motion, the section as amended, was adopted, viz :

SECT. 4. The governor shall enter on the discharge of his duties on the fourth Monday of the January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected, and his successor shall have taken the oath or affirmation prescribed by this Constitution.

Then the section 5th, of said article, was called up, viz :

SECT. 5. No member of congress or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor or lieutenant governor.

Mr. CHINN offered the following substitute, viz :

"No member of congress or person holding any office under this State, or the United States, or minister of any religious society, shall be elected to the office of governor."

It being 1 o'clock, the hour fixed to vote on the motion of Mr. Guion to lay on the table the motion of Mr. Beatty to strike out, the yeas and nays being called for, resulted as follows, viz :

Messrs. Aubert, Benjamin, Bourg, Brumfield, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, St. Amand, Saunders, Sellers, Taylor of St. Landry, Wadsworth, Winchester and Winder voted in the affirmative—28 ayes; and

Messrs. Beatty, Brazeale, Brent, Briant, Cade, Carriere, Cenas, Derbes, Downs, Dunn, Eustis, Garcia, Grymes, Humble, Hynson, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Roselius, Scott of Baton Rouge, Soule, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wederstrandt and Wikoff voted

in the negative—40 nays; consequently the motion was lost.

The ayes and nays were then called for on the motion of Mr. Beatty, to strike out the words, "except a native born citizen of the United States, or an inhabitant at the time of the cession thereof to the United States, of that portion of territory included in the present limits of the State of Louisiana," resulted as follows :

Messrs. Beatty, Brazeale, Brent, Briant, Cade, Carriere, Cenas, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Humble, Hynson, Labauve, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Roselius, Scott of Baton Rouge, Soule, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill Wederstrandt and Wikoff voted in favor of the motion to strike out—41 ayes; and

Messrs. Aubert, Benjamin, Bourg, Brumfield, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Garrett, Grymes, Guion, Hudspeth, Kenner, King, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, St. Amand, Saunders, Sellers, Taylor of St. Landry, Wadsworth, Winchester and Winder voted against said motion to strike out—27 nays; consequently the same was carried.

Mr. BEATTY moved to strike out from said section 3d, and article 3d, the words "nor shall any person be eligible to either of the said offices who shall not hold, in his own right landed property situated in said State, of the value of five thousand dollars, agreeably to the tax list; and."

Mr. DUNN then offered the following substitute, viz : "No person shall be eligible to the office of governor or lieutenant governor, who shall not have attained the age of thirty-five years, and have been sixteen years a citizen of the United States, and ten years a citizen of the State next preceding his election.

Mr. BRENT submitted the following as a substitute to the substitute of Mr. DUNN, viz :

"Every qualified elector of this State shall be eligible to the office of governor or lieutenant governor."

The PRESIDENT was appealed to, and asked whether the substitute offered by Mr.

Brent to the substitute offered by Mr. Dunn, was in order.

Mr. LABAUVE in the chair, decided that Mr. Brent's substitute was in order, and had the preference.

Mr. DUNN appealed from the decision of the chair.

On the question being put, "shall the decision of the chair be sustained?" the Convention decided that it should not.

On motion of Mr. BEATTY, the substitute offered by Mr. Dunn, was laid on the table, subject to call.

Then the yeas and nays being called for, on the motion of Mr. Beatty, to strike out the words, "nor shall any person be eligible to either of the said offices, who shall not hold in his own right, landed property situated in said State of the value of five thousand dollars, agreeably to the tax list; and,"—resulted as follows:

Messrs. *Beatty, Bourg, Brazeale, Brent, Cadé, Carriere, Cénas, Downs, Dunn, Garrett, Humble, Hynson, Leonard, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill Wederstrandt, Wikoff and Winder* voted in the affirmative—38 ayes; and

Messrs. *Aubert, Benjamin, Briant, Brumfield, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Legendre, Labauve, Lewis, Marigny, Mazureau, Pugh, Roselius, St. Amand, Saunders, Taylor of St. Landry, and Winchester* voted in the negative—28 nays; consequently the motion was carried.

Mr. WINDER moved to amend by striking out from said section the words, "and have been ten years next preceding his election a resident within the State," and insert in lieu thereof the words "and has not been fifteen years a citizen of the United States and of this State."

Mr. DUNN moved for a division, that is that the Convention first proceed to strike out.

Mr. READ submitted the following substitute, "who shall not have attained the age of twenty-one years, and have been two years next preceding his election a

resident within the State and a citizen of the United States."

Mr. VOORHIES moved that said substitute be laid on the table indefinitely, and called for the ayes and nays, and

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Cade, Carriere, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Garcia, Garrett, Guion, Hudspeth, Hynson, Kenner, King, Labauve, Legendre, Leonard, Lewis, Marigny, Mayo, Mazureau, Peets, Penn, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Roman, Roselius, St. Amand, Saunders, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wikoff, Winchester and Winder* voted in the affirmative—52 yeas; and

Messrs. *Brazeale, Brent, Humble, McCallop, McRae, O'Bryan, Porter, Preston, Read, Scott of Baton Rouge, Waddill and Wederstrandt* voted in the negative—12 nays; consequently the motion was carried.

Mr. BRENT renewed the motion of Mr. DUNN, for a division, that is the Convention first proceed to strike out the word "ten," and called for the yeas and nays.

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Briant, Brumfield, Carriere, Cénas, Chinn, Conrad of New Orleans, Conrad of Jefferson, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, O'Bryan, Peets, Penn, Preston, Pugh, Roman, Roselius, St. Amand, Saunders, Splane, Taylor of Assumption, Taylor of St. Landry, Waddill, Wikoff, Winchester and Winder* voted in the affirmative—40 yeas; and

Messrs. *Cade, Claiborne, Culbertson, Derbes, Downs, Dunn, Garrett, Humble, Hynson, Leonard, McCallop, McRae, Marigny, Mayo, Porter, Prescott of Avoyelles, Prescott of St. Landry, Scott of Baton Rouge, Sellers, Soulé, Stephens, Trist, Voorhies and Wederstrandt* voted in the negative—24 nays; the motion was carried.

Mr. KING moved to fill the blank with the words "twenty-one."

Pending the discussion, the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent: Messrs. Burton, Chambliss, Scott of Feliciana, and Scott of Madison, absent on leave; and Messrs. Covillion, Ledoux, and Porche.

WEDNESDAY, February 19, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the president called on the honorable delegate from Sabine, Mr. STEPHENS, who opened the proceedings by prayer.

On motion, leave of absence was granted to Messrs. Aubert, Brazeale, Guion and Hynson.

ORDER OF THE DAY.

ARTICLE THIRD, AS REPORTED BY THE COMMITTEE.

Sec. 3. "No person shall be eligible to the office of governor or lieutenant governor, who shall not have attained the age of thirty-five years, and have been ——— years next preceding his election a resident in the State."

Mr. O'BRYAN renewed his motion to fill the blank with the word "five."

Mr. WINDER moved to fill the blank in said section with the word "fifteen," and the yeas and nays being called for,

Messrs. Beatty, Benjamin, Boudousquière, Bourg, Briant, Brumfield, Cénas, Conrad of Jefferson, Culbertson, Derbes, Garcia, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prescott of St. Landry, Prudhomme, Pugh, Roman, Saunders, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wikoff, Winchester and Winder voted in the affirmative—29 yeas; and

Messrs. Brent, Cade, Carriere, Claiborne, Downs, Dunn, Garrett, Humble, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Read, Scott of Baton Rouge, Sellers, Splane, Stephens, Trist, Voorhies, Waddill and Wederstrandt voted in the negative—27 nays; consequently the motion was carried.

Mr. PORTER gave notice that he would, on a future day, move the reconsideration of the vote to fill the blank with the word "fifteen."

Mr. WINDER then moved to amend the said section by striking out the words "a resident within the State," and insert after the word "years" the words "and has not been fifteen years a free white male citizen of the United States, and of this State next preceding his election;" and the yeas and nays being called for,

Messrs. Beatty, Benjamin, Boudousquière, Bourg, Briant, Brumfield, Cade, Cénas,

Chinn, Claiborne, Conrad Culbertson, Derbes, Dunn, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prescott of St. Landry, Prudhomme, Pugh, Roman, Saunders, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff, Winchester and Winder voted in the affirmative—35 yeas; and

Messrs. Brent, Carriere, Downs, Garcia, Humble, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Read, Scott of Baton Rouge, Sellers, Splane, Stephens, Trist, Waddill and Wederstrandt voted in the negative—23 nays; the motion was adopted.

Mr. LEWIS then moved the adoption of the section as amended.

Mr. DUNN submitted the following substitute, viz:

"No person shall be eligible to the office of governor or lieutenant governor, who shall not have attained the age of thirty-five years, and have been sixteen years a citizen of the United States, and ten years a citizen of the State next preceding his election."

Mr. WADSWORTH moved that the substitute be laid on the table indefinitely, and called for the yeas and nays, which resulted as follows:

Messrs. Beatty, Benjamin, Boudousquière, Bourg, Briant, Brumfield, Cénas, Chinn, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Porter, Prudhomme, Pugh, Roman, Saunders, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wikoff, Winchester and Winder voted in favor of said motion—31 yeas; and

Messrs. Brent, Cade, Carriere, Claiborne, Downs, Dunn, Garcia, Garrett, Humble, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Sellers, Splane, Stephens, Trist, Voorhies, Waddill and Wederstrandt voted against the motion—28 nays; the same was adopted.

Mr. VOORHIES, having voted in the majority, moved to reconsider the vote given to fill the blank with the word "fifteen."

Mr. KENNER moved for the previous question.

The PRESIDENT then put the question, "shall the main question now be put?" and the yeas and nays being called for, resulted as follows:

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Cénas, Chinn, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Saunders, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wikoff, Winchester and Winder voted in the affirmative—30 yeas; and

Messrs. Brent, Cadé, Carriere, Downs, Dunn, Garcia, Garrett, Humble, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Sellers, Splane, Stephens, Trist, Voorhies, Waddill and Wederstrandt voted in the negative—28 nays; the motion was adopted.

Mr. LEWIS then moved the adoption of the section as amended, viz:

SEC. 3. "No person shall be eligible to the office of governor or lieutenant governor, who shall not have attained the age of thirty-five years, and has not been fifteen years a free white male citizen of the United States, and of this State next preceding his election."

The yeas and nays being called for

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Cade, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prescott of St. Landry, Prudhomme, Pugh, Roman, Saunders, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff, Winchester and Winder voted in favor of the adoption—33 yeas; and

Messrs. Brent, Carriere, Downs, Dunn, Garcia, Garrett, Humble, Leonard, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Read, Scott of Baton Rouge, Sellers, Splane, Stephens, Trist and Waddill voted against the adoption—25 nays; the section was adopted.

Mr. MAYO gave notice that he would, on Tuesday next, move the reconsideration of the vote given on the adoption of said section.

Mr. CONRAD of New Orleans, called up the 5th section of article 3d, it being the next, in order, viz:

SEC. 5. "No member of congress, or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor or lieutenant governor."

Mr. LEWIS moved that said section be laid on the table until the Convention shall have under consideration the general provisions; the yeas and nays being called for,

Messrs. Brent, Cénas, Culbertson, Derbes, Guion, Humble, Kenner, King, Leonard, Lewis, McRae, Mayo, Mazureau, O'Bryan, Peets, Penn, Prescott of Avoyelles, Preston, Ratliff, Read, Roselius, Saunders, Sellers, Soulé, Splane, Stephens, Taylor of St. Landry, Trist and Waddill voted in the affirmative—29 yeas; and

Messrs. Beatty, Boudousquie, Bourg, Briant, Brumfield, Cade, Carriere, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Downs, Dunn, Garrett, Hudspeth, Labauve, Legendre, McCallop, Marigny, Porter, Prescott of St. Landry, Prudhomme, Pugh, Roman, St. Amand, Scott of Baton Rouge, Taylor of Assumption, Wederstrandt, Winchester and Winder voted in the negative—30 nays; consequently the motion was lost.

Mr. MARIGNY then moved the adoption of the section as reported.

Mr. McRAE moved to amend by inserting after the word "society" the words "or any attorney or counsellor at law."

Mr. BEATTY moved for the previous question.

The PRESIDENT then put the question, "shall the main question be now put?" and the yeas and nays being called for, resulted as follows:

Messrs. Beatty, Boudousquie, Bourg, Briant, Brumfield, Cade, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Garcia, Garrett, Hudspeth, Humble, King, Labauve, Legendre, Lewis, McCallop, Marigny, Mazureau, Porter, Prescott of Avoyelles, Prudhomme, Pugh, Roman, Roselius, St. Amand, Scott of Baton Rouge, Sellers, Taylor of Assumption, Taylor of St. Landry, Winchester and Winder voted in the affirmative—37 yeas; and

Messrs. Brent, Carriere, Cénas, Kenner, McRae, Mayo, O'Bryan, Peets, Penn, Prescott of St. Landry, Preston, Ratliff, Read,

Soulé, Splane, Stephens, Trist, Waddill and Wederstrandt voted in the negative---19 nays; the motion was consequently carried.

The yeas and nays were then called for on the motion to adopt the section as reported by the committee, and resulted as follows:

Messrs. Boudousquie, Bourg, Briant, Brumfield, Cade, Carriere, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Downs, Dunn, Garcia, Garrett, Humble, Labauve, Legendre, McCallop, Marigny, Mazureau, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amand, Scott of Baton Rouge, Sellers, Splane, Taylor of Assumption, Wederstrandt and Winder voted in favor of the adoption---37 yeas; and

Messrs. Beatty, Brent, Derbes, Hudspeth, Kenner, King, Lewis, McRae, Mayo, O'Bryan, Peets, Penn, Preston, Splane, Stephens, Taylor of St. Landry, Trist, Waddill and Winchester voted against the adoption---19 nays; consequently the same was adopted.

Mr. SCOTT of Baton Rouge, submitted the following resolution, viz:

"Whereas, the business of the Convention is from day to day transacted by a bare majority, in consequence of the absence of members, and, whereas, experience has taught the absolute impossibility of securing a proper revision of the constitution in New Orleans,

"Therefore be it *Resolved*, That this Convention will adjourn on the —— day of February, to meet again in the town of Jackson on the —— day of March next."

On motion the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent, Messrs. Aubert, Burton, Chambliss, Brazeale, Hynson, Scott of Feliciana, Scott of Madison, absent on leave, and Messrs. Covillion, Eustis, Grymes, Ledoux and Porche.

THURSDAY, February 20, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. PRESTON opened the proceedings by prayer.

The president submitted two letters of invitation, one from Major General Lewis, of the first division of the Louisiana militia;

and the other from Judge McCaleb, chairman of the committee of arrangements of the public schools of municipality number two, inviting the Convention to attend the celebration of the anniversary of the birth day of the immortal Washington.

On motion, said invitations were accepted.

Mr. CHINN submitted the following notice, viz:

Notice is given, that under the head of general provisions I shall offer a section to the following effect: that from and after the adoption of this constitution, any person or persons being citizens of this State, who shall fight a duel with deadly weapons in the State, or who shall go out of the State for that purpose, or who shall send or receive a challenge to fight a duel with deadly weapons, or who shall act as second to those thus acting, shall be forever disqualified from holding or exercising any office of trust or profit, under this constitution.

Mr. O'BRYAN offered the following resolutions, viz:

Resolved, That when the Convention adjourns on Friday the 21st, that it adjourns to meet again in the hall of the house of representatives, on Tuesday the 11th day of March next, at 12 o'clock m.

Resolved, That all *per diem* of members and officers of this Convention, shall be suspended during said adjournment.

Resolved, That on Friday the 21st inst., the Convention return this room, and those accompanying it, to the charge of Mrs. Hawley.

Mr. DUNN moved that the above resolutions be laid on the table indefinitely, and the yeas and nays being called for, resulted as follows:

Messrs. Beatty, Benjamin, Bourg, Brent, Briant, Brumfield, Carriere, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garrett, Humble, Kenner, King, Labauve, Legendre, Leonard, Lewis, McCallop, Marigny, Mayo, Mazureau, Peets, Porche, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, St. Amand, Saunders, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wederstrandt and Winkoff voted in the affirmative—45 yeas; and

Messrs. Cade, Hudspeth, McRae, O'Bryan, Prescott of Avoyelles, Prescott of St. Landry, Scott of Baton Rouge, Scott of Fe

liciana, and Taylor of St. Landry, voted in the negative—9 nays; the motion was carried.

Mr. DUNN submitted the following resolution, viz:

Resolved, That the Convention meet every day (holidays and Sundays excepted) at 10 o'clock a. m., and adjourn at 3 o'clock p. m., and that no motion to adjourn to any other time shall be adopted unless upon the vote of two-thirds of the members present; provided it shall be in order to adjourn the Convention to some place out of the city of New Orleans, by a majority of votes, on three days previous notice being given.

Mr. BRENT offered the following substitute, viz:

Resolved, That from and after this date, no leave of absence shall be granted to any member, except on account of sickness; and in no case shall any absentee be allowed his *per diem*, unless he shall have previously obtained leave of absence in accordance with this resolution.

Mr. KENNER moved to lay the resolution and substitute on the table indefinitely, and the yeas and nays being called for, resulted as follows:

Messrs. Beatty, Benjamin, Bourg, Briant, Brumfield, Cade, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Garcia, Garrett, Hudspeth, Humble, Kenner, King, Labauve, Legendre, Leonard, Lewis, McCallop, McRae, Marigny, O'Bryan, Porche, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt, Wikoff and Winder voted in the affirmative—49 yeas; and

Messrs. Brent, Carriere, Dunn, Mayo, Peets, Penn and Porter voted in the negative—7 nays; consequently the motion was adopted.

Mr. SCOTT of Baton Rouge, called up the resolution submitted by him on yesterday, viz:

"Whereas the business of the Convention is from day to day transacted by a bare majority, in consequence of the absence of members; and whereas experience has taught the absolute impossibility of securing a proper revision of the constitution in New Orleans. Therefore be it

Resolved, That this Convention will adjourn on the day of February to meet again in the town of Jackson on the day of March next," and moved that it be laid on the table subject to call.

Mr. VOORHIES moved that the said resolution be laid on the table indefinitely, and called for the yeas and nays; and

Messrs. Beatty, Benjamin, Bourg, Briant, Brumfield, Cade, Carriere, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Garcia, Garrett, Hudspeth, Humble, Kenner, King, Labauve, Legendre, Lewis, Mayo, Mazureau, Penn, Porche, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Roman, St. Amand, Saunders, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wederstrandt, Winchester and Winder voted in the affirmative—45 yeas; and

Messrs. Dunn, Leonard, McCallop, McRae, Marigny, O'Bryan, Peets, Porter, Prescott of Avoyelles, Read, Scott of Baton Rouge, Scott of Feliciana, Waddill and Wikoff voted against the motion—14 nays; the same was carried.

Mr. TAYLOR of Assumption, submitted the following additional rule, viz:

"The yeas and nays shall not be taken on any question, unless ten members rise to support the call for them."

On motion of Mr. RATLIFF, chairman of the committee on contingent expenses, Mr. Roselius was appointed an additional member to the said committee.

This being the day fixed for the consideration of the report of the committee of revision, Mr. Lewis called up the section 1st of article 1st, as reported by the committee of revision, viz:

ARTICLE FIRST, AS REPORTED BY THE COMMITTEE OF REVISION.

SEC. 1. The powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them to be confided to a separate body of magistracy, to-wit: those which are legislative to one, those which are executive to another, and those which are judicial to another.

On motion, said section was adopted.

SEC. 2. No person holding office in one of these departments, shall exercise any powers properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

On motion of Mr. BENJAMIN the said section was re-committed to the committee of revision.

ORDER OF THE DAY.

ARTICLE THIRD, AS REPORTED BY THE MAJORITY.

SEC. 6. The governor shall have power to grant reprieves for all offences against the State, and except in cases of impeachment, shall, with the consent of the senate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

On motion, said section was adopted.

SEC. 7. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal and signed by the governor.

On motion, said section was adopted.

SEC. 8. In case of the impeachment of the governor; his removal from office, death, refusal to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the governor absent or impeached, shall return or be acquitted. The legislature may provide by law for the case of removal, death, resignation or inability, both of the governor and lieutenant governor, declaring what officer shall act as governor; and such officer shall act accordingly, until the disability be removed or a governor shall be elected.

On motion of Mr. CENAS the words "and duly qualified," were added at the end of the section.

On motion of Mr. MAYO the word "of" inserted after the word "both," was inserted before said word.

On motion of Mr. CONRAD of New Orleans, the words "or inability," were inserted after the word "refusal."

Mr. SAUNDERS moved to add at the end of the section, the words "at the time appointed by the legislature for the residue of the term," which motion was adopted.

On motion of Mr. DOWNS the words "or a governor shall be elected" were stricken out, and the words "or for the residue of the term" were inserted in lieu thereof.

On motion, the section was adopted as amended, viz:

SEC. 8. In case of the impeachment of the governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the power and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the governor absent or impeached, shall return or be acquitted. The legislature may provide by law for the case of removal, the impeachment, death, resignation, disability or refusal to qualify, of both the governor and lieutenant governor, declaring what officer shall act as governor; and such officer shall act accordingly, until the disability be removed or for the residue of the term.

SEC. 9. The lieutenant governor or other officer discharging the duties of governor, shall, during his administration, receive the same compensation to which the governor would have been entitled, had he continued in office.

On motion, said section was adopted.

SEC. 10. The lieutenant governor shall by virtue of his office, be president of the senate, but shall have only a casting vote therein. Whenever he shall administer the government, or shall be unable to attend as president of the senate, the senators shall elect one of their own members as president of the senate, for that occasion.

Mr. TAYLOR of Assumption, moved to amend said section by striking out the words "but shall have only a casting vote therein," and insert in lieu thereof the words "have a right when in committee of the whole, to debate and vote on all subjects, and when the senate are equally divided to give the casting vote."

Mr. CONRAD of New Orleans, moved to amend by inserting the words "shall have the right of participation in the debates."

Mr. BOUDOUSQUIE moved that both amendments be laid on the table indefinitely, which motion prevailed.

Mr. READ moved to amend by striking out at the end of the section, the words "the occasion," and insert in lieu thereof, the words "the time being," which motion prevailed.

Mr. DOWNS moved to amend said section by inserting after the words "by virtue of his office," the words "secretary of state."

Mr. BENJAMIN moved to lay the said amendment on the table indefinitely, and the yeas and nays being called for,

Messrs. Beatty, Benjamin, Bourg, Brent, Briant, Cade, Cènas, Chinn, Derbes, Dunn, Garrett, Hudspeth, Kenner, King, Labauve, Legendre, Leonard, Lewis, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Prescott of Avoyelles, Roman, Roselius, St. Amand, Sellers, Soulé, Splane, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Wederstrandt, Winchester and Winder voted in favor of the motion—38 yeas; and

Messrs. Claiborne, Conrad of New Orleans, Downs, Humble, McCallop, Porter, Prudhomme, Pugh, Ratliff, Read, Saunders, Scott of Raton Rouge, Scott of Feliciana, Taylor of Assumption, and Waddill voted against the motion—15 nays; the same was carried.

Mr. MARIGNY moved the adoption of the section as amended, viz:

SEC. 10. The lieutenant governor shall by virtue of his office, be president of the senate, but shall have only a casting vote therein. Whenever he shall administer the government, or shall be unable to attend as president of the senate, the senators shall elect one of their own members as president of the senate, for the time being.

Which motion prevailed.

On motion, the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent, Messrs. Aubert, Brazeale, Burton, Chambliss, Guion, Hynson and Scott of Madison, absent on leave; and Messrs. Covillion, Ledoux and Eustis.

FRIDAY, February 21, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, at the request of the president, the Hon. delegate from Sabine (Mr. STEPHENS) opened the proceedings by prayer.

Mr. ROSELIUS moved that the Convention accept the invitation and attend in a body the Examination of the Public Schools in Municipality No. 1, which motion prevailed.

Mr. TAYLOR of Assumption called up the rule offered by him on yesterday, and moved the adoption of the same, viz:

"The yeas and nays shall not be taken on any question, unless ten members rise to support the call for them."

Mr. SCOTT of Baton Rouge moved that the same be laid on the table subject to call, which motion was lost.

Mr. RATLIFF moved that the Convention adjourn till Monday next at 11 o'clock, a. m., which motion was lost.

Mr. BENJAMIN moved that said rule be laid on the table and made the special order of the day for Monday next, immediately after the reading of the journal, which motion prevailed.

On motion, the Convention adjourned till Monday next at 11 o'clock, a. m.

NOTE.—Members absent: Messrs. Aubert, Brazeale, Burton, Chambliss, Guion, Hynson and Scott of Madison, absent on leave; Messrs. Boudousquié, Culbertson, Downs, Dunn, Eustis, Garcia, Grymes, Labauve, Ledoux, Porche, Preston, Prudhomme, St. Amand, Wadsworth, Wikoff and Winchester.

MONDAY, February 24, 1845.

The convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings by prayer.

On motion Messrs. Garcia, Soulé and Briant were excused from attendance on account of sickness; and leave of absence was granted to Messrs. Splane, Pugh, Cade, McRae and Lewis.

Mr. TAYLOR of Assumption, moved that the Convention adjourn till to-morrow at 11 o'clock a. m. for want of a quorum, which motion was lost.

Mr. O'BRYAN submitted the following resolution, viz:

"Resolved, That from and after the 15th day of March next, the Convention will grant no leave of absence to any member, unless in case of sickness of the member or some one of his family."

Mr. WINDER moved to lay the resolution on the table indefinitely, and the yeas and nays being called for, resulted as follows:

Messrs. Beatty, Bourg, Brumfield, Cènas, Dunn, Hudspeth, King, Legendre, Leonard, McCallop, Mazureau, Porche, Prescott of Avoyelles, Prudhomme, Ratliff, Roman, St. Amand, Saunders, Stephens, Taylor of Assumption, Taylor of St. Landry and Winder voted in the affirmative—22 yeas; and

Messrs. Brent, Carriere, Covillion, Derbès, Downs, Garret, Hynson, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of St. Landry, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Trist, Voorhies, Waddill, Wederstrandt and Wikoff voted in

the negative—22 nays; the vote being equally divided, the president voted in the negative, the motion was consequently lost.

Mr. BEATTY moved to amend by striking out the "15th of March," and insert in lieu thereof the words "the 24th day of February."

Mr. DUNN moved that the resolution and amendment be laid on the table till to-morrow, which motion was lost.

On the question of order, the president decided that this resolution was out of order, inasmuch as the rule offered Friday, by Mr. Taylor of Assumption, was made the special order of the day for to-day, immediately after the reading of the journal.

Mr. TAYLOR of Assumption, called up the rule offered by him, and made the special order of the day for to-day, viz:

"The yeas and nays shall not be taken on any question, unless ten members rise to support the call for them."

Mr. MARIGNY moved for the adoption of the rule, and called for the yeas and nays:

Messrs. *Beatty, Benjamin, Bourg, Brumfield, Cenas, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Kenner, King, Labauve, Legendre, Marigny, Mazureau, Porehe, Roman, Roselius, St. Amand, Saunders, Taylor* of Assumption, *Trist, Voorhies* and *Winder* voted in the affirmative—26 yeas; and

Messrs. *Brent, Carriere, Downs, Dunn, Eustis, Garrett, Hudspeth, Humble, Hynson, Leonard, McCallop, Mayo, O'Bryan, Peets, Penn, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Prudhomme, Ratliff, Read, Scott* of Baton Rouge, *Scott* of Feliciana, *Sellers, Stephens, Taylor* of St. Landry, *Waddil, Wederstrandt* and *Wikoff* voted in the negative—29 nays; consequently the motion was lost.

ORDER OF THE DAY.

ARTICLE THIRD AS REPORTED BY THE MAJORITY.

SEC. 11. "While he acts as president of the senate, the lieutenant governor shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more."

Mr. MARIGNY moved to amend by striking all the words of the first line, moreover the words, "the same compensation which shall for the same period be allowed

to the speaker of the house of representatives, and no more," and insert in lieu thereof the words "a compensation shall be fixed by the legislature."

Which motion was lost.

On motion, the said 11th section, as reported, was adopted, viz:

SEC. 11. "While he acts as president of the senate, the lieutenant governor shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more."

The 12th section was then called up, viz:

SEC. 12. "A secretary of state shall be appointed and commissioned, to hold his office during the pleasure of the governor. The records of the State shall be kept and preserved in the office of the secretary. He shall keep a fair register of the official acts and proceedings of the governor, and when necessary shall attest them. He shall, when required, lay the said register and all papers, minutes and vouchers relative to his office, before either house of the general assembly, and shall perform such other duties as may be enjoined on him by law."

Mr. CLAIBORNE moved to strike out the words "during the pleasure of the governor," and insert in lieu thereof the words "during the term for which the governor shall have been elected, if he shall so long behave himself well."

Mr. CONRAD of New Orleans, moved to amend the amendment, by striking out the words "if he shall so long behave himself well;" which amendment was accepted by Mr. Claiborne.

And on motion, the amendment as amended, was adopted.

Mr. PEETS offered the following substitute, viz: "a secretary of state shall be elected by the qualified electors of the State at large, at the same time of the election for governor, and shall hold his office during the term for which the governor shall have been elected.

Mr. TAYLOR of Assumption, moved that the said substitute be postponed until the Convention take up the judiciary department; which motion was lost.

And the yeas and nays being called for, on the adoption of the substitute, resulted as follows:

Messrs. *Brent, Brumfield, Carriere, Covillion, Downs, Garrett, Humble, McCallop, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott* of Avoyelles, *Prudhomme, Ratliff, Read, Saunders, Scott* of Baton Rouge, *Scott* of Feliciana, *Stephens, Taylor* of Assumption, *Trist, Waddill* and *Wederstrandt* voted in the affirmative—26 yeas; and

Messrs. *Benjamin, Boudousquière, Bourg, Cénas, Conrad* of New Orleans, *Conrad* of Jefferson, *Culbertson, Derbès, Dunn, Eustis, Grymes, Hudspeth, Hynson, King, Labauve, Legendre, Leonard, Marigny, Mazureau, Prescott* of St. Landry, *Preston, Roman, Roselius, St. Amand, Sellers, Taylor* of St. Landry, *Voorhies, Wadsworth, Wikoff* and *Winchester* voted in the negative—30 nays; consequently the substitute was lost.

Mr. PORTER then submitted the following substitute, for the whole section, viz:

"A secretary of State shall be appointed by joint vote of the general assembly, and commissioned during the term of four years; he shall keep a register of all the official acts and proceedings of the governor, and shall when required lay the same and papers, minutes and official vouchers relative thereto, before the general assembly, and shall perform such other duties as shall be enjoined by law.

The yeas and nays being called for on the adoption of said substitute, resulted as follows:

Messrs. *Culbertson, McCallop, Peets, Porter, Ratliff* and *Waddill* voted in favor of said substitute; and

Messrs. *Boudousquière, Bourg, Brent, Briant, Brumfield, Carriere, Cénas, Conrad* of New Orleans, *Covillion, Derbes, Downs, Dunn, Eustis, Garrett, Grymes, Hudspeth, Humble, Hynson, King, Labauve, Legendre, Leonard, Marigny, Mayo, Mazureau, O'Bryan, Penn, Porche, Prescott* of Avoyelles, *Prescott* of St. Landry, *Preston, Prudhomme, Read, Roman, Roselius, St. Amand, Saunders, Scott* of Baton Rouge, *Scott* of Feliciana, *Sellers, Stephens, Taylor* of Assumption, *Taylor* of St. Landry, *Trist, Voorhies, Wadsworth, Wederstrandt, Wikoff* and *Winchester* voted against the adoption of said substitute—47 nays; the same was lost.

Mr. ROMAN moved to amend said section by inserting after the word "shall" the words, "be nominated and appointed by the

governor with the advice and consent of the senate," which amendment was adopted.

On motion, the section as amended, was adopted, viz:

SECT. 12. A secretary of state shall be nominated and appointed by the governor, with the advice and consent of the senate, and commissioned to hold his office during the term for which the governor shall have been elected. The records of the State shall be kept and preserved in the office of the secretary. He shall keep a fair register of the official acts and proceedings of the governor, and when necessary shall attest them. He shall, when required, lay the said register and all papers, minutes and vouchers relative to his office, before either house of the general assembly, and shall perform such other duties as may be enjoined on him by law.

On motion, the Convention adjourned, till to-morrow, at 11 o'clock, a. m.

NOTE.—Members absent: Messrs. *Aubert, Brazeale, Briant, Burton, Cade, Chambliss, Garcia, Guion, Lewis, McRae, Pugh, Scott* of Madison, *Soulé*, and *Splane*, all absent on leave; and Messrs. *Chinn* and *Ledoux*.

TUESDAY, February 25, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. STANTON opened the proceedings by prayer.

Mr. SAUNDERS gave notice that he would on a future day, move the re-consideration of the vote given on yesterday, making the secretary of state elective.

This being the day fixed for the reconsideration of the vote given on the adoption of the 3d section of the executive department, on motion of Mr. Mayo, the reconsideration was postponed until Tuesday next, the 4th day of March.

Mr. EUSTIS, chairman of the committee of revisal, submitted the following report, viz:

ARTICLE FIRST, AS REPORTED BY THE COMMITTEE OF REVISAL.

SECT. 2. No one of these departments nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

On motion of Mr. DOWNS, said report was ordered to be printed.

The next in order came the following resolution, offered on yesterday by Mr. O'Bryan, viz :

"*Resolved*, That from and after the 15th day of March next, the Convention will grant no leave of absence to any member, unless in case of sickness of the member or some one of his family.

On motion of Mr. BEATTY, the words "15th of March" were stricken out, and the words "25th of February" were inserted in lieu thereof.

The ayes and nays were then called for on the motion to adopt said resolution as amended, and resulted as follows :

Messrs. *Beatty, Benjamin, Brent, Brumfield, Carriere, Chambliss, Claiborne, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, Legendre, Marigny, Mazureau, O'Bryan, Peets, Porche, Porter, Prudhomme, Roman, Roselius, Saunders, Sellers, Trist, Voorhies* and *Wederstrandt* voted in the affirmative—28 ayes; and

Messrs. *Bourg, Briant, Burton, Conrad* of New Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Dunn, Hudspeth, Kenner, King, Labauve, Leonard, McCallop, McRae, Mayo, Penn, Prescott* of Avoyelles, *Prescott* of St. Landry, *Ratliff, Read, St. Amand, Scott* of Baton Rouge, *Scott* of Feliciana, *Stephens, Taylor* of Assumption, *Taylor* of St. Landry, *Waddill, Wikoff*, and *Winder* voted in the negative—31 nays; consequently said resolution was rejected.

ORDER OF THE DAY.

ARTICLE THIRD, AS REPORTED BY THE MAJORITY.

Constitution of 1812. Section 9. "He shall nominate and appoint, with the advice and consent of the senate, judges, sheriffs, and all other officers whose offices are established by this constitution, and whose appointments are not herein otherwise provided for: *Provided*, however, that the legislature shall have a right to prescribe the mode of appointment to all offices to be established by law.

Mr. HUMBLE moved to amend said section, by striking out the words "judges, sheriffs, and other."

Mr. DUNN moved for a division; that is, the Convention first proceed to strike out the word "judges;" which motion prevailed.

The yeas and nays were then called for on the motion to strike out the word "judges," and

Messrs. *Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Downs, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Ratliff, Read, Saunders, Scott* of Baton Rouge, *Stephens, Taylor* of Assumption, *Trist, Waddill* and *Wederstrandt* voted in favor of said motion—30 yeas; and

Messrs. *Bourg, Briant, Cénas, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, Dunn, Eustis, Garrett, Hudspeth, Kenner, King, Labauve, Legendre, Marigny, Mazureau, Prudhomme, Roman, Roselius, St. Amand, Scott* of Feliciana, *Sellers, Taylor* of St. Landry, *Voorhies, Wikoff* and *Winder* voted against said motion—28 nays; consequently the same was carried.

The ayes and nays were then called on the motion to strike out the word "sheriffs," and

Messrs. *Bourg, Brent, Briant, Brumfield, Burton, Carriere, Chambliss, Conrad* of New Orleans, *Covillion, Culbertson, Derbes, Downs, Dunn, Garrett, Humble, Hynson, Kenner, Ledoux, Leonard, McCallop, M'Rae, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Prudhomme, Ratliff, Read, Scott* of Baton Rouge, *Scott* of Feliciana, *Sellers, Stephens, Taylor* of Assumption, *Trist, Voorhies, Waddill, Wederstrandt, Wikoff* and *Winder* voted in the affirmative—43 yeas; and

Messrs. *Cénas, Claiborne, Conrad* of Jefferson, *Eustis, Hudspeth, King, Labauve, Legendre, Marigny, Mazureau, Roman, Roselius, St. Amand* and *Taylor* of St. Landry voted in the negative—14 nays; the motion was adopted.

Mr. TAYLOR, of Assumption, moved to amend by striking out the words "Provided however, that," and insert at the end of the section the words "Provided they shall not be elected by the general assembly, or by either of the two houses."

Mr. PORTER moved to lay the amendment and proviso on the table, which motion was lost.

Mr. TAYLOR, of Assumption, then moved the adoption of the amendment and proviso, which motion was lost.

On motion, the section was adopted as amended, viz :

SEC. 9. CONST. 1812. "He shall nominate and appoint, with the advice and con-

sent of the senate, all officers, whose offices are established by this constitution, and whose appointments are not herein otherwise provided for: Provided, however, the legislature shall have the right to prescribe the mode of appointment to all other offices to be established by law."

The convention then called up section 10, "of the constitution of 1812" viz:

SEC. 10. The governor shall have power to fill up vacancies that may happen during the recess of the legislature, by granting commissions which shall expire at the end of the next session."

On motion the same was adopted.

Section 12, of the constitution of 1812, viz:

SEC. 12. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

On motion said section was adopted.

Section 13, of the constitution of 1812.

SEC. 13. He shall from time to time give to the general assembly information respecting the situation of the State; and recommend to their consideration such measures as he may deem expedient,

On motion said section was adopted.

Section 14 of the constitution of 1812.

SEC. 14. He may on extraordinary occasions, convene the general assembly at the seat of government, or at a different place if that should have become dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

Mr. PORTER moved to amend by inserting after the word "assembly," in the second line, the words "or continue their session for a period not exceeding thirty days," which motion was lost.

On motion, the section 14 of the constitution of 1812, was then adopted as reported, viz:

SECT. 14. He may on extraordinary occasions, convene the general assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them

to such a time as he may think proper, not exceeding four months.

Section 15th of the constitution of 1812, viz:

SECT. 15. "He shall take care that the laws be faithfully executed."

On motion, said section was adopted.

Section 20th of the constitution of 1812, viz:

SECT. 20. "Every bill which shall have passed both houses, shall be presented to the governor; if he approve he shall sign it, if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journal, and proceed to reconsider it; if after such reconsideration two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days, (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment, prevent its return—in which case it shall become a law, unless sent back within three days after their next meeting.

Mr. Mayo moved to amend said section by inserting "three-fifths" instead of two-thirds, of the members elected.

On motion of Mr. Conrad of New Orleans; said amendment was laid on the table indefinitely.

Mr. Mayo then moved to amend said section by striking out the words "unless sent back within three days after their next meeting," and insert in lieu thereof the words "in which case it shall not be a law." Which motion was lost.

On motion the section was adopted, viz:

Constitution of 1812. Sec. 20. "Every bill which shall have passed both houses shall be presented to the governor; if he approve, he shall sign it, if not, he shall return it, with his objections, to the house in which it shall have originated, who shall

enter the objections at large upon their journal, and proceed to re-consider it; if, after such re-consideration, two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house by which it shall be likewise re-considered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall be returned by the governor within ten days, (Sundays excepted,) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return, in which case it shall be a law unless sent back within three days after their next meeting."

Section 21st of the constitution of 1812, viz:

SEC. 21. "Every order, resolution or vote to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by two-thirds of both houses."

On motion, said section was adopted.

Section 22d, of the constitution of 1812, viz:

SEC. 22. "The free white men of this State shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal services."

On motion said section was adopted.

Section 23d of the constitution of 1812, viz:

SEC. 23. "The militia of this State shall be organized in such manner as may be hereafter deemed most expedient by the legislature."

On motion, said section was adopted.

On motion of Mr. CONRAD of New Orleans, the vote on the adoption of the 10th section of the constitution of 1812 was re-considered, and said section amended as follows: to insert in lieu of the word "legis-

lature," the word "Senate;" and on motion of Mr. DOWNS, were added at the end of the section the words "unless otherwise provided for in this constitution."

On motion, said section was adopted as amended, viz:

Constitution of 1812. Sec. 10. "The governor shall have power to fill up vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of the next session, unless otherwise provided for in this constitution."

Mr. LEDOUX submitted an additional section, the 21st section of the minority report made by Mr. Ledoux, viz:

SEC. 21. "There shall be appointed by the governor, with the advice and consent of the senate, an auditor of state, whose duty it shall be to examine and approve all accounts before they are paid by the treasurer. He shall assist the legislature in examining the accounts of the treasurer; and perform all other duties which may be required of him by law."

On motion of Mr. CONRAD of New Orleans, said section was laid on the table subject to call.

Mr. DOWNS moved to take up the report of the legislative committee, which motion prevailed.

On motion, the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent, Messrs. Garcia and Soulé absent on account of illness; Messrs. Aubert, Brazeale, Cade, Guion, Pugh, Scott of Madison and Splane absent on leave; Messrs. Chinn, Boudousquie, Grymes and Preston were not in their seats.

WEDNESDAY, February 26, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings by prayer.

On motion, Mr. COVILLION was excused from attendance on account of illness.

ORDER OF THE DAY.

ARTICLE SECOND OF THE MAJORITY REPORT AS AMENDED.

SECT. 6. Representation shall be equal and uniform in this State, and beyond that, if entitled to any more, in proportion to the population of each, ascertained and calculated according to the principle of representation adopted in the Constitution of the United States.

The first representation under this constitution shall continue until after the next United States census in 1850, and shall be as follows:

The parish of Plaquemines shall have	1
“ St. Bernard,	1
“ Orleans,	
First Municipality,	5
Second “	4
Third “	3
	12

That part of the parish of Orleans on the East bank of the Mississippi,

The parish of Jefferson,	2
“ St Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	1
“ Assumption,	2
“ Lafourche Interior,	3
“ Terrebonne,	1
“ Iberville,	1
“ West Baton Rouge,	1
“ East “ “	2
“ West Feliciana,	2
“ East “ “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Pointe Coupee,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	1
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	2
“ Natchitoches,	2
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1

Total, 72

As soon as may be, after the United States census of 1850 shall have been taken and promulgated, and every ten years thereafter, the number of representatives shall be fixed and apportioned, according to the principles of this section, so as not to be less than seventy nor more than one hundred; and whenever a new parish shall be created, a separate representation shall at the same time be provided for it, which shall continue until the next decimal apportionment.

Mr. SAUNDERS, chairman of the committee to whom was referred the said section, submitted the following report, as a substitute for the same, viz:

SEC. 6. Each parish shall be entitled to representation in proportion to its population, ascertained and calculated according to the principle of representation adopted in the constitution of the United States; *Provided*, that no parish or city shall ever be entitled to more than one-fifth of the whole number of representatives.

SEC. 7. No new parish shall be created with an extent of territory less than 400 square miles, nor with a population less than the full representative number required at the time of its creation, to entitle it to a representative; nor shall any parish be so divided as to leave it with a smaller area or population than is above expressed.

SEC. 8. In the year 1846, and every tenth year thereafter, a census shall be made of the population of this State, in such a manner as shall be prescribed by law, for the purpose of ascertaining the number of the federal population in each parish.

SEC. 9. At the first regular session of the legislature after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the federal population, as aforesaid, and in the manner following, to wit: some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to one additional member for every fraction exceeding the one-half of the divisor; and any parish

having a federal population less than the whole divisor, but exceeding one-half of it, shall be entitled to one representative; and the legislature shall be incompetent to act on any other subject matter, until the apportionment directed by this article shall have been made.

SEC. 10. The first representation under this constitution (ascertained as near as may be, in accordance with the above principles,) shall continue until the first apportionment be made by the legislature, and shall be as follows, viz:

The parish of Plaquemines,	1
“ St. Bernard,	1
“ Orleans,	
First Municipality	6
Second “	4
Third “	4
“ Right Bank,	1
“ Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	1
“ Iberville,	2
“ West Baton Rouge,	1
“ East Baton Rouge,	2
“ West Feliciana,	2
“ East “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupee,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	1
“ Rapides,	3
“ Natchitoches,	2
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1

“ Morehouse,	1
“ Union,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1

Total, 76

Mr. MARIGNY moved that the whole matter be laid on the table, and made the special order of the day for to-morrow at 12, m., which motion was lost.

Mr. O'BRYAN submitted the following as a substitute to the first section of the report, viz:

“Each parish shall have one representative, and beyond that if entitled to any more, in proportion to the number of voters in each; *Provided*, that no parish or city shall ever have more than one-sixth of the whole number of representatives.”

On a question of order, the president decided said substitute to be out of order.

Mr. O'BRYAN then moved to amend said section by striking out the words “its population ascertained and calculated according to the principle of representation adopted in the constitution of the United States.”

And, pending the discussion on said motion, the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE—Members absent: Messrs. Covillion, Garcia and Soule, absent on account of illness; Messrs. Aubert, Brazeale, Cade, Guion, Lewis, Pugh, Scott of Madison and Splane, absent on leave.

THURSDAY, February 27, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. GOODRICH opened the proceedings by prayer.

On motion, Mr. CHINN was excused for non-attendance, on account of illness.

Mr. MAYO, chairman of the committee on education, submitted the following report and resolutions, viz:

“As it is through the medium of education that the intellectual faculties of man are cultivated, and his physical and mental powers regulated and perfected, the subject would appear to justify as much attention and care as any other that can engage the attention of the legislator.

“This State has for many years acted with a degree of liberality, in making ap-

propriations for the erection and support of colleges and academies, and for the education of indigent children.

“By the report of the State treasurer, dated 11th January, 1844, it appears that the sum of \$1,710,559 40-100, from the year 1812 to the 31st December, 1844, has been expended by the State for the support of public schools, colleges, academies, seminaries and asylums; and by the same report it appears that \$463,791 71-100, which is more than one-fourth of the whole sum, has been expended for the building and support of the colleges of Louisiana and Jefferson. The first of which is not now in operation; and owing to the want of a regular system of education, has not produced results that ought to have been expected from so large an amount of expenditure.

“The college of Jefferson is in operation, and has seventy or eighty students, as appears from the report of the committee of the house of representatives on the subject of education, lately made to that body.

“The annual appropriation for that institution being \$10,000, the annual expenditure for each student, supposing the number to be eighty, is \$125, paid by the State, in addition to all the expenses of tuition, board, &c., which is paid by individuals.

“These facts are stated for no other purpose than to bring to view the disproportion in the expenditure, and actual waste of public money for want of a well regulated system of education.

“A large portion of the State is in a situation, in relation to schools, which is truly to be lamented; produced by various causes, some of which are peculiar to local situations where the population is extremely sparse, rendering it impracticable to support schools in the neighborhood, for want of a sufficient number of children to attend them without sending them from home to board, which many persons of large families either have not the means to do, or if they have, are not disposed to appropriate them for that purpose, in other neighborhoods where schools could be supported if the people desired. No interest or zeal appears to be felt on the subject, and children are permitted to grow up in ignorance, for want of a disposition on the part of the parent to educate them. The money that has been expended for the support of schools

has in many, if not a majority of the parishes, failed to produce the beneficial results which were intended. Incompetent men have been employed as teachers, whose object has been to get the public money, more than to improve the children under their care; and when the public money, to which a school has been entitled, has been exhausted, the schools in many instances have been broken up, and no more taught in the neighborhood until another supply of money has been expected from the State to pay the teacher.

“Owing to facts like these, the children that have occasionally attended the schools have received, in many places, but little benefit from them. One of the causes of the failure in the expenditure of the funds of the State, distributed to the parishes generally, has been that indigent children only have been entitled to the benefits of the public funds. Men of the high sentiments and noble feelings that characterize the citizens of this State feel a repugnance at the thought of educating their children by the use of a fund that none but the poor and needy can be partakers of. Hence it is believed that many persons, unable to educate their children at their own expense, have too much pride and feel that it would be humiliating to themselves and their children to partake of a bounty thus offered. When the fact of partaking furnishes of itself evidence of their poverty and indigence; and though this may to some extent arise from false pride, still the fact exists, and the effect is the same as though the objection were a good one. Another cause of the failure has been that large expenditures have been made for building colleges and academies for the promotion of the higher branches of literature, before providing the means for teaching the first rudiments of a common education.

“The necessary steps ought first to be taken to place within the reach of the mass of the children throughout the State, such an education as will fit them for the higher branches, and in such a manner as to place all on an equal footing in the enjoyment of the benefits to be derived from the funds of the State. This would create a laudable ambition between those whose progress and advancement would fit them for the higher schools; and thus the higher as well as the lower would be supported. The

progress of the child in the acquisition of a substantial education, would emulate the parent; parents would encourage each other; and when the spirit of education could be fairly put into operation, it is believed that it would here, as it has done in many of the States of the United States, and in Prussia and Germany, carry with it public opinion, which in this country is all that is necessary to sustain any measure that promises to be permanently useful.

"The people must see and feel the importance of the subject, the necessity of action. The subject must receive their approbation; excite their interest and zeal; they must act together with their influence and money to carry it into operation. The public mind in this State has never been sufficiently aroused to the importance of educating the youth. Any system that may be organised, not calculated to enlist the feelings and receive the cordial approbation and support of a majority of the citizens, cannot be relied upon to effect the object desired, viz: that of furnishing to the greatest number of the rising generation, upon equal terms, the best education that the resources of the State, and of its citizens generally, will justify.

"To overcome these difficulties would require a system more in detail, that it would be proper to incorporate into the constitution, and which would often have to be changed and improved, as circumstances and observation might require.

"Provision ought to be made by the State for as large a fund for immediate use as its financial condition will permit, and also for a permanent fund for future use, large enough if possible to afford the means to all the children in the State of obtaining a knowledge of reading, writing and arithmetic; branches which are indispensably necessary to every citizen in his intercourse with his fellow man and with the world.

"Your committee have, by a provision which they report herewith, endeavored to lay the foundation for a permanent fund, which will have the power of increase within itself; to meet the increase of children and of expenditure that improvements may require, as will be seen by the provisions reported.

"A provision is also contained in the report providing for the appointment of a superintendent of education; the object of

which is to secure an efficient officer whose sole business shall be to attend to the duties of that office, and who shall constitute the head of an organized school department of the State. By another section it is made the duty of the legislature to encourage the institution of common schools throughout the State, for the promotion of literature and the arts and sciences, and to provide means for their support. By enjoining the encouragement and support of education upon the legislature, it will be part of the duty which every member of that body will be sworn to perform, to give it attention.

"The cultivation of the mental faculties for the promotion of wisdom, morality and virtue, is amongst the first duties of a State. The chief object of constitutions and laws being to render its citizens secure in their lives, liberty and property, the importance of a good education to each individual, to every community, and to the State, cannot be too highly valued. It is certainly of too great value to be estimated by any pecuniary consideration.

"From the genius, nature and spirit of republican government, it is and must be based upon public opinion; which to be salutary in its operation must be virtuous and enlightened.

"The permanence of our institutions ever have, and must continue to depend upon the genius of our constitution and laws, sustained by that spirit of freedom which actuates every man who is truly an American.

"Upon education we may safely confide as the conservative power of the State, that will watch over our liberties and guard them against fraud, corruption, and decay.

"Without morality, virtue and intelligence to regulate the genius a spirit of republicanism, the latter one constantly exposed to be swept away by the iron rule of ignorance and vice, when wielded by demagogues, to destroy our liberties.

"Morality and virtue may exist without the peculiar culture of schools; but a man can hardly be said to be intelligent without knowing how to read, and without that kind of knowledge that generally has its source in an education acquired at school. Without intelligence virtue and morality would cease to perform their legitimate functions, and to have that influence upon the body politic which it is necessary they should

exert. Without these necessary ingredients to sustain the purity and harmony of our constitution and laws, unless the people know and appreciate their rights, and know how to maintain and protect them, the vicious and disorderly will protect and screen each other from the operation of the laws; the restraining influence of the social and political compact will be annihilated, and dissolution and ruin will be the inevitable result.

"There can be no security, the true spirit of liberty cannot exist where vice, ignorance and immorality predominate.

"Where a right direction is given to the young and tender mind, correct principles inculcated and impulses given, morality, virtue and reason commence their reign, and with the necessary culture fit their possessors to be useful to themselves, ornaments to society, and safe-guards to the State. The strength of the State and the happiness of its people increase with the increase of useful knowledge. Without knowing their rights and duties men become dangerous to the State, nuisances to the community, and burdensome to themselves. By laying the foundation of a system susceptible of being carried into practical operation, and which will secure to the rising generation the means by which they may be educated.

"The greatest degree of social and individual prosperity will be secured to our posterity, and a strong guarantee of protection to our constitution and laws.

"Louisiana should possess the means of educating her youths at home. Southern men should have southern heads and hearts, with sentiments untarnished by doctrines at war with our rights and liberties. It is of the first importance that correct impressions be made upon the minds of children, for it is difficult to unlearn what has been learned amiss.

"When our children return from the north, after having received an education there, they have to be re-acclimated, and not unfrequently fall victims to the effects of the change. Many of the most promising youths of the State have been swept away within a very short period after their return with an accomplished education, from the effects of a change of climate. Youths who were the fondest hopes of their parents, and promised to be ornaments, not

only to them, but to the State, and whose loss to both is irreparable.

"All this can be remedied by entering upon the work ourselves, with a determination to accomplish it. A good education furnished to the rising generation, will afford us a better guarantee of protection than fleets and armies. Shall we not then be inexcusable for neglect to make the trial?

"It is said that a man will give all he has for his life. If so, ought he not with equal readiness give the same price, if necessary, to secure his life, liberty and happiness, and the prospect of conferring upon his posterity the same blessings, enriched and enobled by the highest degree of intellectual attainments?

"All of which is respectfully submitted, together with the accompanying provisions and resolutions.

(Signed.)

"G. MAYO,
"Chairman."

Report of the committee on the subject of education:

SEC. 1. "The governor shall nominate, and by and with the advice and consent of the senate, appoint a superintendent of education, who shall hold his office for two years; whose duties shall be prescribed by law; and who shall receive such compensation as the legislature may direct."

SEC. 2. "The legislature shall encourage the institution of common schools throughout the State, for the promotion of literature and the arts and sciences, and shall provide means for that purpose and for their support."

SEC. 3. "The proceeds of all lands that have been or hereafter may be granted by the United States to this State, for the use and support of schools, and of all land that may have been or may hereafter be granted by the United States, or by any person or persons, body politic or corporate, to this State, and not granted expressly for any other purpose, which shall hereafter be sold or disposed of, and all estates of deceased persons to which the State may be or hereafter become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of—per cent, which interest together with all the rents of the unsold lands, shall be inviolably appropriated to the support of schools and

institutions of learning throughout the State, until the rents or interest, or both together, shall amount to the sum of _____ per annum, After which the annual excesss of such rents and interest may be applied by the legislature to other objects."

SEC. 4. "The funds arising from the rents or sales which may hereafter be made of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and of any land that may hereafter be granted for that purpose, and any interest that may accrue upon such funds, shall be inavoidably applied to the use specified, or that may be specified in the grant."

"And your committee recommend the adoption of the following resolution:

"*Resolved*, That our representatives and senators in congress be requested to use their best efforts to procure the passage of a law, granting to this State the unsold lands within this State, belonging to the United States, or as large a portion thereof as possible, for the purpose of education; and to co-operate, if necessary to effect that object, with the representatives and senators in congress from other States."

On motion of Mr. MAYO, said report and resolutions were laid on the table subject to call, and ordered to be printed.

On motion of Mr. BENJAMIN, the vote on the printing of the report was re-considered, and only the printing of the resolution was ordered.

This being the day fixed, the report of the committee of revision was called up, viz:

Section 2d of article 1st, as reported by the committee of revision.

"No one of these departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted."

On motion, said section was adopted.

The PRESIDENT submitted a letter of invitation from the Fire Department, and on motion of Mr. ROSELIUS, the same was accepted.

Mr. PENN submitted the following resolution, viz:

"*Resolved*, That Wednesday, the 5th of March, at 1 o'clock, be, and the same is hereby fixed¹ for taking the vote on the apportionment."

ORDER OF THE DAY.

Section 6th of the report of the special committee, composed of three members from each congressional district, viz:

"Each parish shall be entitled to representation in portion to its population, ascertained and calculated according to the principle of representation adopted in the constitution of the United States. *Provided*, that no parish or city shall ever be entitled to more than one-fifth of the whole number of representatives."

The Convention at the last adjournment had under consideration the motion of Mr. O'Bryan to amend said section by striking out the words "its population ascertained and calculated according to the principle of representation adopted in the constitution of the United States."

And pending the discussion on said motion, the Convention adjourned till to-morrow at 11 o'clock a. m.

NOTE.—Members absent, Messrs. Covillion, Garcia and Soulé, absent on account of illness, and Messrs. Cade, Guion, Lewis, Scott of Madison and Splane, absent on leave.

FRIDAY, February 28, 1845.

The Convention met pursuant to adjournment.

The Hon. delegate from Sabine, (Mr. Stephens) at the request of the president, opened the proceedings by prayer.

On motion, Messrs. Burton and Garrett were excused for non-attendance on account of illness.

ORDER OF THE DAY.

Section 6th, as reported by the committee composed of three members from each congressional district, viz:

"Each parish shall be entitled to representation according to its population, ascertained and calculated according to the principle of representation adopted in the constitution of the United States; *Provided*, that no parish or city shall ever be entitled to more than one-fifth of the whole number of representatives."

Mr. O'BRYAN moved to amend said section by striking out the words "its population ascertained and calculated according to the principle of representation adopted in the constitution of the United States."

Pending the discussion on said motion, Mr. Voorhies called up the resolution offered on yesterday, by Mr. Penn, viz:

Resolved, That Wednesday, the 5th of March, at 1 o'clock, be and the same is hereby fixed for taking the vote on the apportionment.

On motion of Mr. PORTER, said resolution was laid on the table indefinitely.

On motion of Mr. DOWNS, 2½ o'clock this day was fixed for the taking of the vote on the apportionment.

The 7th section, as reported by said committee of 12, was then called up, viz:

"No new parish shall be created with an extent of territory less than four hundred square miles, nor with a population less than the full representative number required at the time of its creation, to entitle it to a representative; nor shall any parish be so divided as to leave it with a smaller area or population than is above expressed."

Mr. O'BRYAN offered the following as a substitute for said section, viz:

"Each parish shall have one representative, and beyond that, if entitled to any more, in proportion the number of voters in each; *Provided*, that no parish or city shall ever have more than one-sixth of the whole number of representatives."

On motion of Mr. GRYMES, the section and substitute were laid on the table subject to call.

On motion of Mr. PORTER, the rule fixing half-past 2 o'clock to-day, for taking the vote on the apportionment, was rescinded.

Mr. TAYLOR of Assumption, moved that the Convention adjourn till Monday next, at 11 o'clock, a. m., which motion was lost.

On motion of Mr. RATLIFF, the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE—Members absent: Messrs. Burton, Covillion and Garrett, absent on account of illness; and Messrs. Cade, Guion, Lewis, Scott of Madison, and Splane absent on leave.

—
SATURDAY, March 1, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WATKINS opened the proceedings by prayer.

ORDER OF THE DAY.

Section 6th, as reported by the special committee, to whom the same was referred, viz:

"Each parish shall be entitled to representation in proportion to its population,

ascertained and calculated according to the principle of representation adopted in the constitution of the United States: *Provided*, that no parish or city shall ever be entitled to more than one-fifth of the whole number of representatives."

On the motion of Mr. O'BRYAN to amend said section, by striking out the words "its population ascertained and calculated according to the principle of representation adopted in the constitution of the United States," the yeas and nays being called for, resulted as follows:

Messrs. Benjamin, Brazeale, Brumfield, Burton, Carriere, Cénas, Claiborne, Culbertson, Eustis, Grymes, Humble, King, Ledoux, Legendre, McRae, Marigny, Mazureau, O'Bryan, Peets, Porter, Preston, Prudhomme, Ratliff, Read, Soulé, Stephens, Waddill and Wederstrandt voted in the affirmative—28 ayes; and

Messrs. Aubert, Brent, Briant, Chambliss, Chinn, Derbes, Downs, Garrett, Hudspeth, Hynson, Mayo, Porche, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Roman, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Taylor of St. Landry, and Wadsworth voted in the negative—22 nays; consequently said motion was carried.

Mr. O'BRYAN then moved to fill the blank with the words "the number of electors in it."

On motion, the Convention adjourned, till Monday next, at 11 o'clock, a. m.

NOTE.—Members absent: Messrs. Covillion and Garcia, absent on account of illness; Messrs. Cade, Guion, Lewis, Scott of Madison, and Splane, absent on leave; and Messrs. Boudousquié, Dunn, Kenner, Labauve, Penn, Roselius, St. Amand, Taylor of Assumption, Trist and Winchester, were absent from their seats.

—
MONDAY, March 3, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. BEATTY opened the proceedings by prayer.

On motion, Mr. Prescott of Avoyelles was excused for non-attendance on account of illness.

On motion, leave of absence was granted Messrs. Ratliff, Hudspeth, King and Taylor of St. Landry.

ORDER OF THE DAY.

ARTICLE SECOND, SECTION SIXTH, OF THE
REPORT OF THE SPECIAL COMMITTEE, AS
AMENDED.

Each parish shall be entitled to representation in proportion to —; *Provided*, that no parish or city shall ever be entitled to more than one-fifth of the whole number of representatives.

Mr. O'BRYAN moved to fill the blank in said section with the words "the number of qualified voters in it."

Mr. DOWNS submitted the following substitute, viz:

"Representation shall be equal and uniform in this State, and shall for ever be regulated and ascertained by the number of qualified electors therein; *Provided*, that no portion of the State now constituting one parish or city shall ever be entitled to more than twenty representatives, and that each parish shall have at least one representative; and, *Provided further*, that no new parish shall be created with a territory less than four hundred square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors."

In the year —, and every four years thereafter, an enumeration of all the electors shall be made in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, or during the next succeeding session of the general assembly, be so fixed, according to the principle of this section, as not to be less than eighty, nor more than one hundred; *Provided*, that the general assembly shall be incompetent to pass any law after the enumeration until the apportionment shall be made.

Until the first enumeration shall be made, as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows: eight by the 1st municipality, eight by the 2d municipality, three by the 3d municipality, and one for that part of the parish on the right bank of the Mississippi:

The parish of Plaquemines,	20
" St. Bernard,	2
" Jefferson,	1
" St. Charles,	3
	1

The Parish of St. John the Baptist,	1
" St. James,	2
" Ascension,	2
" Assumption,	2
" Lafourche Interior,	2
" Terrebonne,	2
" Iberville,	2
" West Baton Rouge,	1
" East " "	3
" West Feliciana,	2
" East " "	3
" St. Helena,	1
" Livingston,	1
" Washington,	1
" St. Tammany,	1
" Pointe Coupee,	1
" Concordia,	1
" Tensas,	1
" Madison,	1
" Carroll,	1
" Franklin,	1
" St. Mary,	2
" St. Martin,	3
" Vermillion,	1
" Lafayette,	2
" St. Landry,	5
" Calcasieu,	1
" Avoyelles,	2
" Rapides,	4
" Natchitoches,	4
" Sabine,	2
" Caddo,	1
" De Soto,	1
" Ouachita,	1
" Morehouse,	1
" Union,	1
" Jackson,	1
" Caldwell,	1
" Claiborne,	1
" Bossier,	1

Total, 97

On motion of Mr. DOWNS, the printing of the above substitute was ordered, and the consideration of the same postponed until printed.

Mr. GUION moved to fill the blank in said section with the words "according to the qualified electors, together with the taxable property which it may contain."

Mr. WADSWORTH moved to lay the amendments on the table, which motion was lost.

Mr. WADSWORTH gave notice that he would, on Wednesday next, move the reconsideration of the vote given on the federal basis.

The yeas and nays being called for on the amendment of Mr. GUION, resulted as follows:

Messrs. Aubert, Bourg, Chinn, Guion, Labauve, Legendre, Mazureau, Pugh, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Sellers and Winder voted in the affirmative—15 yeas; and

Messrs. Beatty, Benjamin, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Cénas, Chambliss, Claiborne, Covillion, Culbertson, Derbes, Downs, Dunn, Eustis, Garrett, Humble, Hynson, Kenner, Leonard, McRae, Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of St. Landry, Preston, Read, Scott of Feliciana, Scott of Madison, Soulé, Stephens, Voorhies, Waddill, Wadsworth, Wederstrandt and Wikoff voted in the negative—41 nays; consequently the motion was lost.

Mr. SELLERS offered the following substitute, to fill the blank with the words "whole population." The yeas and nays being called for,

Messrs. Aubert, Beatty, Bourg, Chinn, Derbes, Dunn, Guion, Kenner, Labauve, Pugh, Roman, Saunders, Scott of Feliciana, Scott of Madison, Sellers, Wadsworth and Winder voted in favor of the substitute—17 yeas; and

Messrs. Benjamin, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Cénas, Chambliss, Claiborne, Conrad of New Orleans, Covillion, Culbertson, Downs, Eustis, Garrett, Humble, Hynson, Legendre, Leonard, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porter, Porche, Prescott of St. Landry, Preston, Prudhomme, Read, Roselius, St. Amand, Scott of Baton Rouge, Soulé, Stephens, Voorhies, Waddill, Wederstrandt and Wikoff voted against the substitute—41 nays; consequently the same was lost.

Mr. CHINN moved that the first part of said section, fixing the basis of representation, be laid on the table subject to call; which motion was lost.

Mr. O'BRYAN then called for the yeas and nays on the motion offered by him on Saturday last, to fill the blank with the words "the number of qualified electors in it," which resulted as follows:

Messrs. Benjamin, Brazeale, Brent, Brumfield, Burton, Carriere, Cénas, Chambliss, Claiborne, Conrad of New Orleans, Covillion, Culbertson, Downs, Eustis, Gar-

rett, Humble, Hynson, Legendre, Leonard, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porter, Prescott of St. Landry, Preston, Prudhomme, Read, St. Amand, Saunders, Soulé, Stephens, Voorhies, Waddill, Wederstrandt and Wikoff voted in the affirmative—38 yeas; and

Messrs. Aubert, Beatty, Bourg, Briant, Chinn, Derbes, Dunn, Guion, Kenner, Labauve, Porche, Pugh, Roman, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers and Winder voted in the negative—18 nays; consequently the motion was adopted.

Mr. DOWNS then moved that the matter under consideration be postponed till tomorrow; which motion was lost.

Mr. DOWNS then called up the substitute submitted by him this morning, and ordered to be printed, and offered the same as a substitute for said section, viz:

ARTICLE SECOND.

SEC. 6. Representation shall be equal and uniform in this State, and shall forever be regulated and ascertained by the number of qualified electors therein; *Provided*, that no portion of the State now constituting one parish or city, shall ever be entitled to more than twenty representatives, and that each parish shall have at least one representative; and *provided further*, that no new parish shall be created with a territory less than four hundred square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors. In the year —, and every four years thereafter, an enumeration of all the electors shall be made, in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, or during the next succeeding session of the general assembly, be so fixed, according to the principles of this section, as not to be less than eighty, nor more than one hundred; *Provided*, that the general assembly shall be incompetent to pass any laws after the enumeration, until the apportionment shall be made. Until the first enumeration shall be made, as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows: eight by the First Municipality; eight by the Second Municipality;

three by the Third Municipality, and one by that part of the parish on the right bank of the Mississippi:

The parish of Plaquemines,	20
" St. Bernard,	2
" Jefferson,	1
" St. Charles,	3
" St. John the Baptist,	1
" St. James,	1
" Ascension,	2
" Assumption,	2
" Lafourche Interior,	2
" Terrebonne,	2
" Iberville,	2
" West Baton Rouge,	2
" East " "	1
" West Feliciana,	3
" East " "	2
" St. Helena,	1
" Livingston,	1
" Washington,	1
" St. Tammany,	1
" Pointe Coupée,	1
" Concordia,	1
" Tensas,	1
" Madison,	1
" Carroll,	1
" Franklin,	1
" St. Mary,	2
" St. Martin,	3
" Vermillion,	1
" Lafayette,	2
" St. Landry,	5
" Calcasieu,	1
" Avoyelles,	2
" Rapides,	4
" Natchitoches,	4
" Sabine,	2
" Caddo,	1
" De Soto,	1
" Ouachita,	1
" Morehouse,	1
" Union,	1
" Jackson,	1
" Caldwell,	1
" Catahoula,	2
" Claiborne,	2
" Bossier	1

—
Total, 97

On motion of Mr. BEATTY, said substitute was laid on the table.

Mr. MAYO moved to amend said section by striking out the word "fifth," and insert in lieu thereof the word "sixth."

Mr. MARIGNY moved that said motion to

strike out be postponed till Thursday next. On a question of order, the president (Mr. Labauve in the chair) decided the motion to be out of order.

Mr. BENJAMIN moved to amend by striking out the proviso in said section.

And pending the discussion on said motion, the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent, Messrs. Garcia and Prescott of Avoyelles, absent on account of illness; Messrs. Cade, Hudspeth, King, Lewis, Ratliff, Splane and Taylor of St. Landry, absent on leave; and Messrs. Boudousquié and Penn were not in their seats.

—
TUESDAY, March 4, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. PRESTON opened the proceedings by prayer.

This being the day fixed for the reconsideration of the vote given on the adoption of section 3d of article 3d; on the motion of Mr. MAYO, said section was called up, viz:

SEC. 3. "No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of thirty-five years, and has not been fifteen years a free white male citizen of the United States, and of this State next preceding his election."

On motion of Mr. Mayo, said section was laid on the table, subject to call.

ORDER OF THE DAY.

Section 6th of the report of the committee to whom the same was referred, and as amended, viz:

"Each parish shall be entitled to representation in proportion to the number of qualified electors in it; *provided* that no parish or city shall ever be entitled to more than one-fifth of the whole number of representatives."

Mr. BENJAMIN moved to amend said section by striking out entirely the proviso.

On motion of Mr. SAUNDERS the following project, submitted by him, was taken under consideration, together with said section, viz:

"Until the first election after the month of January 1855, the members of the house of representatives shall be elected in the following manner:

"Every parish may elect one member,

and 7000 inhabitants, (including slaves,) shall be the mean increasing number which shall entitle a parish to an additional representative.

"And to prevent the house of representatives becoming too numerous, the mean increasing number shall be proportionally increased in the year of our Lord one thousand eight hundred and fifty-five, and every tenth year afterwards; so that the house of representatives shall never consist of more than one hundred members.

"Every parish which shall hereafter be established, shall be entitled to elect one representative, when it shall contain 7000 inhabitants, and not before; and until the year 1855 the representation shall be as follows, viz:

The parish of Ascension,	2
" Assumption,	2
" Avoyelles,	2
" Baton Rouge, East,	2
" do West,	1
" Bernard, St.,	1
" Bossieur,	1
" Caddo,	1
" Calcaissieu,	1
" Caldwell,	1
" Carroll,	1
" Catahoula,	1
" Charles, St.,	1
" Claiborne,	1
" Concordia,	2
" Desoto,	1
" Feliciana, East,	2
" do West,	2
" Franklin,	1
" Helena, St.,	1
" Iberville,	2
" James, St.,	2
" Jefferson,	2
" John Baptist, St.,	1
" Lafourche Interior,	2
" Lafayette,	1
" Landry, St.,	3
" Livingston,	1
" Madison,	1
" Martin, St.	2
" Mary, St.,	2
" Morehouse,	1
" Natchitoches,	2
" Orleans,	15
" Ouachita	1
" Plaquemines,	1
" Point Coupeé,	2
" Rapides,	3

The Parish of Sabine,	1
" Tammany, St.,	1
" Tensas,	1
" Terrebonne,	1
" Union,	1
" Vermillion,	1
" Washington,	1
" Jackson,	1

Total, 79

On motion of Mr. DOWNS, said project was ordered to be printed.

On motion of Mr. DUNN, the section under consideration and project were laid on the table, and made the special order of the day for to-morrow at 12 o'clock, m.

Mr. MAYO then moved the re-consideration of the vote on the adoption of section 3d of article 3d, viz:

"No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of thirty-five years, and has not been fifteen years a free white male citizen of the United States, and of this State next preceding his election."

Mr. GUION called for the yeas and nays on the motion to re-consider, which resulted as follows:

Messrs. Brazeale, Brent, Carrière, Chambliss, Covillion, Downs, Dunn, Garrett, Humble, Hynson, Ledoux, Leonard, McRae, McCallop, Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of St. Landry, Read, Scott of Raton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Stephens, Trist, Waddill and Wederstrandt voted in the affirmative—30 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Burton, Cènas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Guion, Kenner, Legendre, Mazureau, Prudhomme, Pugh, Roman, St. Amand, Saunders, Sellers, Taylor of Assumption, Voorhies, Wikoff and Winder voted in the negative—28 nays; consequently said motion was carried.

Mr. MARIGNY obtained leave to change his vote.

Mr. McCALLOP having voted in the negative through mistake, moved that he be permitted to change his vote, and the yeas and nays being called,

Messrs. Brazeale, Brent, Carrière, Chambliss, Chinn, Claiborne, Covillion, Downs,

Dunn, Eustis, Garrett, Humble, Hynson, Kenner, Ledoux, Leonard, McRae, Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of St. Landry, Prudhomme, Pugh, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wederstrandt and Wikoff voted in the affirmative—40 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Burton, Cenas, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Guion, Legendre, Mazureau, Roman, St. Amand and Winder voted in the negative—18 nays; consequently the same was granted.

Mr. MAYO then moved to amend said section 3d by striking out the word "fifteen," and insert in lieu thereof the word "ten."

On motion of Mr. SAUNERS; the taking of the vote on the motion to strike out the word "fifteen," and insert in lieu thereof the word "ten," was postponed until two o'clock.

Mr. BENJAMIN informed the Convention that he would, before the adjournment this day, submit a project of compromise on the question of apportionment, taking the whole population; including slaves, for the basis; which he moved might be printed, and taken up to-morrow with the project offered by Mr Saunders. On the question to receive the project and print the same, the yeas and nays being called for,

Messrs. Aubert, Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Carriere, Cenas, Chambliss, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dunn, Eustis, Garrett, Guion, Grymes, Humble, Hynson, Labauve, Ledoux, Legendre, Leonard, McCallop, McRae, Mayo, Mazureau, Porche, Porter, Prudhomme, Pugh, Roman, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Voorhies, Wikoff, Winchester and Winder voted in the affirmative—52 yeas; and

Messrs. Burton, Marigny, O'Bryan, Peets, Preston, Read, Roselius, Waddill and Wederstrandt voted in the negative—9 nays; consequently the said project was received and ordered to be printed.

On motion of Mr. DUNN, the Convention then took under consideration the 10th sec-

tion of article 2d, as reported by the majority, viz:

"The State shall be divided into eight senatorial districts, each of which shall elect four senators, to be voted for by the persons entitled to vote for representatives, as follows:

"All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall comprise the first district.

"The parishes of Plaquemines, St. Bernard and the remainder of the parish of Orleans, parish of Jefferson, St. Charles and St. John the Baptist, shall compose the second district.

"The parishes of St. James, Ascension, Assumption, Lafourche Interior and Terrebonne, shall compose the third district.

"The parishes of Iberville, West Baton Rouge, East Baton Rouge, Point Coupee and Avoyelles, shall compose the fourth district.

"The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena and Livingston shall compose the fifth district.

"The parishes of Concordia, Carroll, Madison, Ouachita, Union, Franklin, Tensas, Morehouse, Catahoula and Caldwell, shall compose the sixth district.

"The parishes of Rapides, Natchitoches, Caddo, Calcasieu, Claiborne, Sabine, Bossieur and De Soto, shall compose the seventh district.

"The parishes of St. Mary, St. Martin, St. Landry, Lafayette and Vermillion, shall compose the eighth district.

"*Provided*, That the Legislature shall have the power, in any year in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators."

Mr. DOWNS moved to strike out said section 10th from the report of the majority.

And pending the discussion on said motion, the hour of two having arrived, Mr. Mayo moved that the vote be taken on his motion to strike out from the 3d section of article 3d, the words "fifteen," and insert in lieu thereof the words "ten," and the yeas and nays being called for, resulted as follows:

Messrs. Brazeale, Brent, Carriere, Chambliss, Covillion, Downs, Dunn, Garrett, Humble, Hynson, Ledoux, McCallop,

McRae, Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Preston, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Trist, Waddill and Wederstrandt voted in the affirmative—30 yeas; and

Messrs. Aubert, Beatty, Benjamin, Boudousquié, Bourg, Briant, Brumfield, Burton, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Garcia, Grymes, Guion, Kenner, Labauve, Legendre, Mazureau, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Taylor of Assumption, Voorhies, Wadsworth, Wikoff, Winchester and Winder voted in the negative—34 nays; consequently said motion was lost.

Mr. MAYO then moved the re-adoption of the said section 3d, viz :

SEC. 3. "No person shall be eligible to the office of governor or lieutenant governor, who shall not have attained the age of thirty-five years, and has not been fifteen years a free white male citizen of the United States, and of this State next preceding his election."

Which motion prevailed.

On motion, the Convention adjourned, till to-morrow, at 11 o'clock, a. m.

NOTE.—Members absent: Mr. Prescott of Avoyelles, absent on account of illness; Messrs. Cade, Hudspeth, King, Lewis, Ratliff, Splane, and Taylor of St. Landry, absent on leave; and Mr. Penn was not in his seat.

WEDNESDAY, March 5, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. Stephens, at the request of the president, opened the proceedings by prayer.

Agreeably to notice given by Mr. Wadsworth, on Monday last, this day was fixed for the re-consideration of the vote on the federal basis.

On motion of Mr. CLAIBORNE, the said motion was laid on the table subject to call.

Mr. TAYLOR of Assumption moved for the reconsideration of the vote laying on the table subject to call; which motion was lost.

Next in order came the section 10th of the majority report on the legislative department, viz:

SEC. 10. The State shall be divided into eight senatorial districts, each of which shall elect four senators, to be voted for by persons entitled to vote for representatives, as follows :

All that portion of the parish of Orleans lying on the East side of the river Mississippi, shall comprise the first district.

The parishes of Plaquemines, St. Bernard, and the remainder of the parish of Orleans, parish of Jefferson, St. Charles, and St. John the Baptist, shall compose the second district.

The parishes of St. James, Ascension, Assumption, Lafourche Interior and Terrebonne, shall compose the third district.

The parishes of Iberville, West Baton Rouge, East Baton Rouge, Pointe Coupée and Avoyelles, shall compose the fourth district.

The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena and Livingston, shall compose the fifth district.

The parishes of Concordia, Carroll, Madison, Ouachita, Union, Franklin, Tensas, Morehouse, Catahoula and Caldwell, shall compose the sixth district.

The parishes of Rapides, Natchitoches, Caddo, Calcasieu, Claiborne, Sabine, Bossier and De Soto, shall compose the seventh district.

The parishes of St. Mary, St. Martin, St. Landry, Lafayette and Vermillion shall compose the eighth district.

Provided, that the legislature shall have the power, in any year in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators.

And pending the discussion on said section, the hour of 12 o'clock, m., having arrived, the special order of the day was then called up, viz:

ORDER OF THE DAY.

Section 6th of the report of the special committee as amended, viz:

"Each parish shall be entitled to representation in proportion to the number of qualified electors in it; *Provided*, that no parish or city shall ever be entitled to more than one-fifth of the whole number of representatives."

At the adjournment yesterday, the ques-

tion under debate was the motion of Mr. Benjamin, to strike out the proviso.

Agreeably to the order taken by the Convention, the projects offered by Messrs. Downs, Saunders and Benjamin were directed to be read, after the reading of the 6th section as reported by the special committee.

Project submitted by Mr. DOWNS, viz :

ARTICLE SECOND.

SEC. 6. Representation shall be equal and uniform in this State, and shall forever be regulated and ascertained by the number of qualified electors therein; *Provided*, that no portion of the State now constituting one parish or city shall ever be entitled to more than twenty representatives, and that each parish shall have at least one representative; and *provided further*, that no new parish shall be created with a territory less than four hundred square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors. In the year —, and every four years thereafter, an enumeration of all the electors shall be made in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, or during the next succeeding session of the general assembly, be so fixed, according to the principles of this section, as not to be less than eighty, nor more than one hundred; *Provided*, that the general assembly shall be incompetent to pass any laws after the enumeration until the apportionment shall be made. Until the first enumeration shall be made, as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows:

Eight by the First Municipality; eight by the Second Municipality; three by the Third Municipality, and one by that part of the parish on the right bank of the Mississippi :

The parish of Plaquemines,	20
“ St. Bernard,	2
“ Jefferson,	1
“ St Charles,	3
“ St. John the Baptist,	1
“ St. James,	1
“ Ascension,	2
“ Assumption,	2

The Parish of Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2
“ West Baton Rouge,	1
“ East “ “	3
“ West Feliciana,	2
“ East “	3
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Pointe Coupée,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	3
“ Vermillion,	1
“ Lafayette,	2
“ St. Landry,	5
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	4
“ Natchitoches,	4
“ Sabine,	2
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	2
“ Claiborne,	2
“ Bossier,	1

Total, 97

Project submitted by Mr. SAUNDERS, viz:

Until the first election after the month of January, 1855, the members of the house of representatives shall be elected in the following manner:

Every parish may elect one member, and 7000 inhabitants (including slaves) shall be the mean increasing number which shall entitle a parish to an additional representative. And to prevent the house of representatives becoming too numerous, the mean increasing number which shall entitle a parish to elect more than one member, shall be proportionably increased in the year of our Lord one thousand eight hundred and fifty-five, and every tenth year afterwards, so that the house of representa-

tives shall never consist of more than one hundred members.

Every parish which shall hereafter be established, shall be entitled to elect one representative, when it shall contain 7000 inhabitants, and not before; and until the year 1855, the representation shall be as follows, viz:

The parish of Ascension,	2
“ Assumption,	2
“ Avoyelles,	2
“ Baton Rouge, East,	2
“ “ “ West,	1
“ St. Bernard,	1
“ Bossier,	1
“ Caddo,	1
“ Calcasieu,	1
“ Caldwell,	1
“ Carroll,	1
“ Catahoula,	1
“ St. Charles,	1
“ Claiborne,	1
“ Concordia,	2
“ Desoto,	1
“ Feliciana, East,	2
“ “ “ West,	2
“ Franklin,	1
“ St. Helena,	1
“ Iberville,	2
“ St. James,	2
“ Jackson,	1
“ Jefferson,	2
“ St. John the Baptist,	1
“ Lafourche Interior,	2
“ Lafayette,	1
“ St. Landry,	3
“ Livingston,	1
“ Madison,	1
“ St. Martin,	2
“ St. Mary,	2
“ Morehouse,	1
“ Natchitoches,	2
“ Orleans,	15
“ Ouachita,	1
“ Plaquemines,	1
“ Point Coupeé,	2
“ Rapides,	3
“ Sabine,	1
“ St. Tammany,	1
“ Tensas,	1
“ Terrebonne,	1
“ Union,	1
“ Vermillion,	1
“ Washington,	1
Total,	79

Project submitted by Mr. BENJAMIN, viz:;

SEC. 1. Representation shall be equal and uniform in this State, and each parish shall be entitled to representation according to the total number of its population.

SEC. 2. In the year 1846, and every tenth year thereafter, a census shall be made of the population of this State, in such a manner as shall be prescribed by law, for the purpose of ascertaining the number of the federal population in each parish.

SEC. 3. At the first regular session of the legislature after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the federal population, in the manner following, viz: Some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time that the divisor shall be contained in the dividend formed of its total population, and to one additional number from every fraction exceeding the one-half of the divisor; and any parish having a total population less than the whole divisor, but exceeding one-half of it, shall be entitled to one representative; and the legislature shall be incompetent to act on any other subject matter till the apportionment directed by this article shall have been made.

SEC. 4. The first representation under this constitution (ascertained as near as may be in accordance with the above principle, by assuming 4500 as a representative number) shall continue until the first apportionment shall be made by the legislature, and shall be as follows:

First Municipality,	9
Second Municipality,	8
Third Municipality,	5
West Bank,	1
The parish of Plaquemines,	1
“ St. Bernard,	1
“ Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2

The Parish of Iberville,	2
“ West Baton Rouge,	1
“ East Baton Rouge,	2
“ West Feliciana,	2
“ East “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupee,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	1
“ Rapides,	3
“ Natchitoches,	3
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Jackson,	1
“ Union,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1

Total, 86

On motion of Mr. MAYO, the project offered by Mr. Benjamin was first taken in consideration, viz:

SEC. 1. Representation shall be equal and uniform in this State, and each parish shall be entitled to representation, according to the total number of its population.

SEC. 2. In the year 1846, and every tenth year thereafter, a census shall be made of the total population of the State, in such manner as shall be prescribed by law.

SEC. 3. At the first regular session of the legislature, after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the whole population, in the manner following, viz: Some number shall be chosen as a representative num-

ber, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time that the divisor shall be contained in the dividend formed of its total population, and to one additional number from every fraction exceeding the one-half of the divisor; and any parish having a total population less than the whole divisor, but exceeding one-half of it, shall be entitled to one representative; and the legislature shall be incompetent to act on any other subject matter till the apportionment herein directed shall have been made.

SEC. 4. The first representation under this constitution (ascertained as near as may be in accordance with the above principle by assuming 4500 as a representative number) shall continue until the first apportionment shall be made by the legislature, and shall be as follows:

First Municipality,	9
Second “	8
Third “	5
West Bank,	1
The Parish of Plaquemines,	1
“ St. Bernard,	1
“ Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2
“ West Baton Rouge,	1
“ East “ “	2
“ West Feliciana,	2
“ East “ “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Pointe Coupee,	1
“ Concordia,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	2
“ St. Mary,	1
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1

The Parish of St. Landry,	4
“ Calcasieu,	2
“ Avoyelles,	3
“ Rapides,	3
“ Natchitoches,	2
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1
—	—
Total,	86

Mr. O'BRYAN then moved that the project be laid on the table indefinitely.

And pending the discussion on said motion, the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE—Members absent: Messrs. Prescott of Avoyelles and Trist, absent on account of illness; and Messrs. Cade. Hudspeth, King, Lewis, Ratliff, Splane and Taylor of St. Landry, absent on leave, and Mr. Penn was not in his seat.

THURSDAY, March 6, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. PRESTON opened the proceedings by prayer.

On motion, Mr. Guion was excused, on account of severe illness in his family.

ORDER OF THE DAY.

The project submitted by Mr. BENJAMIN on the Apportionment, viz :

SEC. 1. Representation shall be equal and uniform in this State, and each parish shall be entitled to representation according to the total number of its population.

SEC. 2. In the year 1846, and every tenth year thereafter, a census shall be made of the total population of the State, in such manner as shall be prescribed by law.

SEC. 3. At the first regular session of the legislature, after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the whole population, in the manner following, viz: Some number shall be chosen as a representative number,

which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time that the divisor shall be contained in the dividend formed of its total population, and to one additional number from every fraction exceeding the one-half of the divisor; and any parish having a total population less than the whole divisor, but exceeding one half of it, shall be entitled to one representative; and the legislature shall be incompetent to act on any other subject matter till the apportionment herein directed shall have been made.

SEC. 4. The first representation under this constitution, (ascertained as near as may be in accordance with the above principle by assuming 4500 as a representative number,) shall continue until the first apportionment shall be made by the legislature, and shall be as follows :

First Municipality,	9
Second do,	8
Third do,	5
West bank,	1
The parish of Plaquemines,	1
“ St. Bernard,	1
“ Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2
“ West Baton Rouge,	1
“ East “ “	2
“ West Feliciana,	2
“ East “ “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Pointe Coupée,	1
“ Concordia,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1

The Parish of St. Landry,	4
" Calcasieu,	1
" Avoyelles,	1
" Rapides,	3
" Natchitoches,	3
" Sabine,	1
" Caddo,	1
" De Soto,	1
" Ouachita,	1
" Morehouse,	1
" Union,	1
" Jackson,	1
" Caldwell,	1
" Catahoula,	1
" Claiborne,	1
" Bossier,	1

—
Total, 86

Mr. O'BRYAN moved that the said project be laid on the table indefinitely.

Mr. TAYLOR of Assumption, moved that the taking of the vote on the motion of Mr. O'Bryan to lay indefinitely on the table the project of Mr. Benjamin, be postponed until to-morrow at 2 o'clock, p. m.; and the yeas and nays being called for, resulted as follows :

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brent, Briant, Carriere, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Derbes, Dunn, Garrett, Grymes, Hynson, Legendre, Leonard, McCallop, McRae, Marigny, Mazureau, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Stephens, Taylor of Assumption, Wederstrandt, and Wikoff*—38 yeas; and

Messrs. *Brazeale, Burton, Chambliss, Covillion, Humble, Mayo, O'Bryan, Peets, Porche, Porter, Scott of Madison, Waddill, and Wadsworth*—13 nays. Consequently said motion was carried.

Mr. TAYLOR of Assumption, then called up the following section, submitted by Mr. Scott of Baton Rouge, viz :

SEC. — The seat of government shall from and after the year be permanently located out of the city of New Orleans, and not within a distance of miles from the said city.

Mr. HUMBLE moved to postpone said section until the Convention take under consideration the general provisions, which motion was lost.

Mr. CHINN then offered the following substitute, viz :

At the first session of the legislature after the adoption of this constitution, a law shall be passed locating the seat of government at the town of Baton Rouge, in the parish of East Baton Rouge.

Mr. WINDER submitted the following substitute, viz:

Resolved, That the first general assembly to be elected under this constitution, shall determine upon the place where the seat of government of this State shall be permanently located from and after the first day of January, 1850; provided, that it be not fixed in the city of New Orleans, nor less than sixty miles from the same, by the usual route of travelling:

Mr. VOORHIES submitted the following substitute, viz:

At the first session of the legislature under this constitution, a law shall be passed to fix a suitable location for the seat of government of this State, which shall take effect in the year 1850; and shall not be subject to any change before the year 1870, and every twenty years thereafter, if deemed proper and expedient.

Mr. BEATTY moved for the previous question; the president then put the question—"Shall the main question be now put?" which motion prevailed.

Mr. VOORHIES then moved to lay indefinitely on the table the said section, and the yeas and nays being called for,

Messrs. *Benjamin, Boudousquie, Carriere, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Derbes, Eustis, Garcia, Ledoux, Legendre, Marigny, Mazureau, Porche, Preston, Roman, Roselius, St. Amand, Soulé, Voorhies, Wadsworth, and Winchester*—23 yeas; and

Messrs. *Aubert, Beatty, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Chambliss, Chinn, Covillion, Downs, Dunn, Garrett, Humble, Hynson, Kenner, Leonard, McCallop, McRae, Mayo, O'Bryan, Peets, Porter, Prescott St. Landry, Prudhomme, Pugh, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Waddill, Wederstrandt, Wikoff, and Winder*—40 nays. The motion was therefore lost.

Mr. BEATTY moved to fill the blank with "1849," and the yeas and nays being called

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brumfield, Burton, Carriere, Covillion, Garrett, Hynson, Kenner, Labauve, Leonard, McRae, Mayo, Prescott of St. Landry, Preston, Pugh, Read, Scott of Baton Rouge, Scott of Feliciana, Soulé, Stephens, Waddill and Wikoff* voted in the affirmative—25 yeas; and

Messrs. *Boudousquie, Brazeale, Brent, Briant, Cénas, Chambliss, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Derbes, Downs, Dunn, Eustis, Garcia, Humble, Ledoux, Legendre, McCallop, Marigny, Mazureau, O'Bryan, Peets, Porche, Porter, Prudhomme, Ratliff, Roman, Roselius, St. Amand, Scott of Madison, Sellers, Voorhies, Wadsworth, Wederstrandt Winchester and Winder* voted in the negative—37 nays; consequently the motion was lost.

Mr. WEDERSTRANDT then moved to fill the blank with "1848;" the yeas and nays being called for,

Messrs. *Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Chambliss, Chinn, Covillion, Downs, Dunn, Garrett, Humble, Hynson, Kenner, Labauve, Leonard, McCallop, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of St. Landry, Preston, Pugh, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Waddill, Wederstrandt, Wikoff and Winder* voted in the affirmative—39 yeas;

Messrs. *Aubert, Benjamin, Boudousquie, Briant, Carriere, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Derbes, Eustis, Garcia, Ledoux, Legendre, Marigny, Mazureau, Porche, Prudhomme, Roman, Roselius, St. Amand, Soulé, Voorhies, Wadsworth, and Winchester* voted in the negative—25 nays; said motion was carried.

Mr. MARIGNY moved that the Convention adjourn till to-morrow at 11 o'clock a. m., and the yeas and nays being called

Messrs. *Benjamin, Boudousquie, Briant, Brumfield, Cénas, Chambliss, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Derbes, Dunn, Eustis, Garcia, Kenner, Ledoux, Legendre, Leonard, McCallop, McRae, Marigny, Mazureau, O'Bryan, Porche, Porter, Prescott of St. Landry, Preston, Ratliff, Roman, Roselius, St. Amand, Scott of Madison, Soulé, Stephens, Wadsworth, Wikoff and Winchester* voted for the adjournment—36 yeas; and

Messrs. *Aubert, Beatty, Bourg, Brazeale, Brent, Burton, Carriere, Chinn, Covillion, Downs, Garrett, Humble, Hynson, Labauve, Mayo, Peets, Pugh, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Taylor of Assumption, Voorhies, Waddill, Wederstrandt and Winder* voted against the adjournment—27 nays; consequently the same was carried.

NOTE.—Members absent, Messrs. Guion, Prescott of Avoyelles and Trist, absent on account of illness, Messrs. Cade, Hudspeth, King, Lewis, Splane and Taylor of St. Landry, absent on leave; and Messrs. Culbertson and Penn were not in their seats.

FRIDAY, March 7, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings by prayer.

Mr. RATLIFF, chairman of the committee on contingent expenses, submitted the following resolution, and the same was adopted, viz:

Resolved, That the sum of one hundred and forty-seven dollars be allowed D. O. Nadaud as a remuneration for that amount paid by him to an assistant to enable him to keep his records up with the proceedings of the Convention, and that the committee on contingent expenses be authorized to pay the same.

Mr. WADDILL offered the following resolution, viz:

Resolved, That in commemoration of the annexation of Texas, whereby the peace, safety and glory of the Union are preserved, this Convention will now adjourn to meet on Tuesday, the 11th inst. at 11 o'clock, a. m.

Mr. DUNN moved that said resolution be laid on the table, and called for the yeas and nays, which resulted as follows, viz:

Messrs. *Aubert, Benjamin, Bourg, Brazeale, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dunn, Garrett, Hynson, Legendre, Lewis, McCallop, Mayo, Mazureau, Preston, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Voorhies, Wederstrandt and Winder*—37 yeas; and

Messrs. *Brent, Cénas, Claiborne, Humble, Leonard, McRae, Peets, Porter, Pres-*

cott of St. Landry, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Soulé, Waddill, and Wikoff—16 nays; consequently said motion was carried.

Mr. SCOTT of Baton Rouge, moved that when the Convention adjourns to-day, it will adjourn to meet on Tuesday next, the 11th inst. at 11 o'clock, a. m. The yeas and nays being called for, (Mr. Claiborne in the chair,)

Messrs. Brent, Briant, Cénas, Humble, McCallop, McRae, Porter, Prescott of St. Landry, Read, Roman, Scott of Baton Rouge, Scott of Feliciana, and Soulé—13 yeas; and

Messrs. Aubert, Benjamin, Bourg, Brazeale, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dunn, Garrett, Hynson, Legendre, Leonard, Lewis, Mayo, Mazureau, Peets, Preston, Prudhomme, Pugh, Ratliff, Roselius, St. Amand, Saunders, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Voorhies, Waddill, Wederstrandt, Wikoff and Winder—39 nays; consequently the motion was lost.

At the adjournment on yesterday, the Convention had under discussion the following resolution, submitted by Mr. Scott of Baton Rouge, viz:

The seat of government shall, from and after the year 1848, be permanently located out of the city of New Orleans, and not within a distance of ——— miles from the said city.

Mr. CHINN then moved for the reconsideration of the vote given on yesterday on the previous question, which motion prevailed.

Mr. VOORHIES then called up the substitute offered by him on yesterday, viz:

At the first session of the legislature under this constitution, a law shall be passed to fix a suitable location for the seat of government for this State, which shall take effect in the year 1850, and shall not be subject to any change before the year 1870, and every twenty years thereafter, if deemed proper and expedient.

Mr. BRENT moved that said substitute be laid on the table indefinitely, and the yeas and nays being called for,

Messrs. Aubert, Beatty, Bourg, Brazeale, Brent, Burton, Cade, Chambliss, Chinn, Conrad of New Orleans, Derbès, Dunn,

Garret, Humble, Hynson, Lewis, McCallop, Mayo, O'Bryan, Peets, Porter, Prescott of St. Landry, Preston, Pugh, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Trist, Waddill, Wederstrandt and Wikoff—36 yeas; and

Messrs. Benjamin, Briant, Carriere, Cénas, Claiborne, Conrad of Jefferson, Culbertson, Eustis, Grymes, Legendre, Leonard, Mazureau, Roman, Roselius, St. Amand, Soule, Voorhies, Wadsworth and Winchester, voted in the negative—19 nays, consequently the motion was carried.

Mr. SAUNDERS then submitted the following substitute, viz:

The general assembly which shall sit after the first election of representatives under the new constitution, shall within the first month after the commencement of the session designate and fix the seat of government at some place not less than sixty miles from the city of New Orleans, by the nearest travelling route, and if on the Mississippi river, by the meanders of the same; and when so fixed, it shall not be removed except by the consent of four-fifths of the members of both houses of the general assembly.

The sessions of the general assembly shall be held in New Orleans until the end of the year 1848.

Mr. VOORHIES moved to amend said substitute by striking out the words "at some place not less than sixty miles from the city of New Orleans by the nearest travelling route, and if on the Mississippi river by the meanders of the same." The yeas and nays being called for,

Messrs. Benjamin, Briant, Carriere, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson; Culbertson, Derbès, Dunn, Eustis, Grymes, Legendre, Mazureau, Porehe, Porter, Preston, Prudhomme, Roman Roselius, St. Amand, Soule, Stephens, Trist, Voorhies, Wadsworth and Winchester, voted in the affirmative—27 yeas, and

Messrs. Aubert, Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Chinn, Covillion, Garrett, Humble Hynson, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Prescott of St. Landry, Pugh, Railiff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Taylor of Assumption,

Waddill, Wederstrandt, Wikoff and Winder, voted in the negative—34 nays; consequently said motion was lost.

Mr. CLAIBORNE moved to amend said substitute by striking out the words "four-fifths" and insert in lieu thereof the words "two-thirds."

Mr. SAUNDERS moved for the previous question.

The PRESIDENT then put the question, "shall the main question be now put?" the yeas and nays being called for,

Messrs. *Aubert, Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Chinn, Dunn, Garrett, Hynson, McCallop, McRea, Mayo, O'Bryan, Peets, Prescott* of St. Landry, *Pugh, Read, Saunders, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Taylor* of Assumption, *Waddill, Wederstrandt, Wikoff*, and *Winder* voted in the affirmative—31 yeas; and

Messrs. *Benjamin, Briant, Carriere, Cénas, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Eustis, Grymes, Humble, Legendre, Lewis, Mazureau, Porche, Porter, Preston, Prudhomme, Ratliff, Roman, Roselius, St. Amand, Soulé, Stephens, Trist, Voorhies, Wadsworth* and *Winchester* voted in the negative—30 nays. The President being called upon to vote, voted in the negative which made the vote equal, consequently said motion was lost.

Mr. WINDER moved for a division, that is, that the Convention first proceed to strike out, which motion prevailed.

The yeas and nays were then called, on the motion of Mr. Claiborne, to strike out the words "four-fifths," and

Messrs. *Benjamin, Briant, Carriere, Cénas, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Eustis, Grymes, Kenner, Ledoux, Lewis, Marigny, Mayo, Mazureau, Porter, Preston, Prudhomme, Roman, Roselius, St. Amand, Soulé, Trist, Voorhies, Wadsworth* and *Winchester* voted in favor of the motion—29 yeas; and

Messrs. *Aubert, Beatty, Bourg, Brazeale, Brent, Burton, Cade, Chambliss, Chinn, Dunn, Garrett, Humble, Hynson, Labauve, McCallop, McRae, O'Bryan, Peets, Prescott* of St. Landry, *Pugh, Ratliff, Read, Saunders, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Stephens, Taylor* of Assumption, *Waddill, Weder-*

strandt, Wikoff and *Winder* voted against the motion—33 nays; consequently the same was lost.

Mr. DUNN then moved to amend said substitute by inserting one hundred and twenty miles, instead of sixty miles.

Mr. Beatty moved for the previous question.

The PRESIDENT then put the question, shall the main question be now put; and the yeas and nays being called for

Messrs. *Aubert, Beatty, Bourg, Brazeale, Brent, Burton, Chambliss, Chinn, Garrett, Humble, Hynson, Labauve, McCallop, McRea, Mayo, Peets, Pugh, Read, Saunders, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Stephens, Taylor* of Assumption, *Waddill, Wederstrandt, Wikoff* and *Winder* voted in the affirmative—29 yeas; and

Messrs. *Benjamin, Briant, Cade, Carriere, Cenac, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Guion, Grymes, Kenner, Legendre, Lewis, Marigny, Mazureau, O'Bryan, Porter, Prescott* of St. Landry, *Preston, Prudhomme, Ratliff, Roman, Roselius, St. Amand, Soulé, Trist, Voorhies, Wadsworth* and *Winchester* voted in the negative—35 nays.

Consequently the motion was lost.

The hour of 2 o'clock having arrived, the special order of the day was called up; it being the following project submitted by Mr. Benjamin, viz:

SEC. 1. Representation shall be equal and uniform in this State, and each parish shall be entitled to representation, according to the total number of its population.

SEC. 2. In the year 1846, and every tenth year thereafter, a census shall be made of the total population of the State, in such manner as shall be prescribed by law.

SEC. 3. At the first regular session of the legislature, after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the whole population, in the manner following, viz: Some number shall be chosen as a representative number, which when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall

be taken as a divisor, and each parish shall be entitled to one representative for every time that the divisor shall be contained in the dividend formed of its total population, and to one additional number from every fraction exceeding the one half of the divisor; and any parish having a total population less than the whole divisor, but exceeding one half of it, shall be entitled to one representative; and the legislature shall be incompetent to act on any other subject matter till the apportionment here-indirected shall have been made.

SEC. 4. The first representation under this constitution, (ascertained as near as may be, in accordance with the above principle, by assuming 4500 as a representative number,) shall continue until the first apportionment shall be made by the legislature, and shall be as follows:

First Municipality,	9
Second " "	8
Third " "	5
West Bank,	1
The parish of Plaquemines,	1
" St. Bernard,	1
" Jefferson,	2
" St. Charles,	1
" St. John the Baptist,	1
" St. James,	2
" Ascension,	2
" Assumption,	2
" Lafourche Interior,	2
" Terrebonne,	2
" Iberville,	2
" West Baton Rouge,	1
" East, do	2
" West Feliciana,	2
" East, do	2
" St. Helena,	1
" Livingston,	1
" Washington,	1
" St. Tammany,	1
" Point Coupeé,	1
" Concordia,	1
" Madison,	1
" Carroll,	1
" Franklin,	1
" St. Mary,	2
" St. Martin,	2
" Vermillion,	1
" Lafayette,	1
" St. Landry,	4
" Calcasieu,	1
" Avoyelles,	1
" Rapides,	3

The Parish of Natchitoches,	3
" Sabine,	1
" Caddo,	1
" De Soto,	1
" Ouachita,	1
" Morehouse,	1
" Union,	1
" Jackson,	1
" Caldwell,	1
" Catahoula,	1
" Claiborne,	1
" Bossier,	1

Total, 86

Mr. O'BRYAN moved that said project be laid on the table indefinitely.

On motion of Mr. SAUNDERS, the special order of the day was postponed until the matter under discussion was disposed of.

Mr. LABAUVE then moved for a division of the motion of Mr. Dunn, that is, that the Convention first proceed to strike out; which motion prevailed.

The yeas and nays were then called for on the motion to strike out the word "sixty," and

Messrs. *Benjamin, Briant, Carriere, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Grymes, Legendre, Leonard, Lewis, Mazureau, Porter, Prescott of St. Landry, Preston, Prudhomme, Roman, Roselius, St. Amand, Soulé, Stephens, Voorhies, Wudsworth and Winchester* voted in the affirmative—31 yeas; and

Messrs. *Aubert, Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Chinn, Garrett, Humble, Hynson, Kenner, Labauve, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Pugh, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Taylor of Assumption, Trist, Waddill, Wederstrandt, Wikoff and Winder* voted in the negative—35 nays; consequently said motion was lost.

Mr. CONRAD of New Orleans moved to amend, by inserting after the words "four-fifths" the words "the members present of each house of the general assembly;" which motion was lost.

Mr. SAUNDERS then moved for the adoption of the substitute, and the yeas and nays being called for, resulted as follows:

Messrs. *Aubert, Beatty, Bourg, Brazeale,*

Mr. SAUNDERS then moved for the adoption of the substitute, and the yeas and nays being called for, resulted as follows:

Messrs. *Aubert, Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Chinn, Covillion, Dunn, Garrett, Humble, Hynson, Kenner, Labauve, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Prescott of St. Landry, Pugh, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Trist, Waddill, Wederstrandt, Wikoff and Winder* voted in the affirmative—39 yeas; and

Messrs. *Benjamin, Briant, Carriere, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Eustis, Garcia, Grymes, Legendre, Leonard, Marigny, Mazureau, Porche, Porter, Preston, Prudhomme, Roman, Roselius, St. Amand, Soulé, Voorhies, Wadsworth and Winchester* voted in the negative—28 nays; consequently the motion was carried.

Mr. BENJAMIN then moved that the Convention adjourn until Tuesday next at 11 o'clock a. m., and the yeas and nays being called for,

Messrs. *Beatty, Benjamin, Bourg, Brent, Briant, Cénas, Claiborne, Conrad of Jefferson, Culbertson, Downs, Dunn, Eustis, Garcia, Grymes, Humble, Kenner, Labauve, Lewis, Mazureau, Porche, Porter, Prescott of St. Landry, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Soulé, Stephens, Taylor of Assumption, Trist, Wadsworth and Winchester*, voted in favor of adjournment—yeas 35; and

Messrs. *Aubert, Brazeale, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Conrad of New Orleans, Covillion, Derbes, Garrett, Hynson, Legendre, Leonard, McCallop, Marigny, Mayo, O'Bryan, Peets, Peston, Prudhomme, Ratliff, Scott of Madison, Sellers, Voorhies, Waddill, Wederstrandt and Winder*, voted against the adjournment—nays 29; the same was carried.

NOTE.—Members absent.—Messrs. Guion, and Prescott of Avoyelles, absent on account of illness.—Messrs. Hudspeth, King, Splane, and Taylor of St. Landry, absent on leave.—Messrs. Boudousquié, Ledoux and Penn, were not in their seats.

TUESDAY, March 11, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WARREN opened the proceedings by prayer.

On motion, leave of absence was granted Messrs. Brent, Wikoff, O'Bryan, and Prescott of St. Landry. Mr. Trist was excused attending on account of indisposition.

Mr. WADSWORTH submitted the following resolution, viz:

Resolved, that a committee of three be appointed to make suitable arrangements to accommodate the members of the Convention at the hall of the house of representatives of the State Legislature.

Mr. MARIGNY moved to amend said resolution by instructing the said committee to report if the hall of the house of representatives be sufficiently large to accommodate the members.

Mr. VOORHIES moved that the resolution and amendment be laid on the table, which motion prevailed.

Mr. DOWNS offered the following resolution, viz:

Resolved, that when the Convention adjourn, it adjourn to meet in the hall of the house of representatives, and that the officers of the Convention make the necessary arrangements with the sergeant-at-arms of the house of representatives for the reception of the members; which resolution was adopted.

Mr. CÉNAS offered the following resolution, and the same was adopted, viz:

Resolved, that the committee on contingent expenses be authorized to dispose of so much of the furniture of the Convention as may no longer be requisite for the use of the same, upon such terms as to said committee may seem most advantageous.

Mr. CADE offered the following resolution, and the same was adopted, viz:

Resolved, that the committee on contingent expenses be directed to settle with the proprietress of the hall for the rent thereof, and deliver up the same to her agreeably to contract.

Mr. SOULE then moved that the Convention adjourn till to-morrow at 11 o'clock a. m., to meet in the hall of the house of representatives, and the yeas and nays being called for,

Messrs. *Benjamin, Boudousquie, Cénas, Claiborne, Conrad of Jefferson, Culbert-*

son, Garcia, Legendre, Leonard, Mazureau, Prudhomme, Roman, Roselius, St. Amand, and Soule, voted in the affirmative—15 yeas, and

Messrs. Beatty, Brazeale, Briant, Brum, field, Burton, Cade, Carriere, Chambliss, Chinn, Covillion, Derbes, Downs, Dunn, Garrett, Humble, Hynson, Labauve, McCallopp, McRae, Marigny, Mayo, Penn, Porche, Preston, Pugh, Ratliff, Read, Scott of Baton Rouge, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Voorhies, Waddill and Wadsworth, voted in the negative—36 nays, consequently said motion was lost.

ORDER OF THE DAY.

Project offered by Mr. BENJAMIN viz:

SEC. 1. Representation shall be equal and uniform in this State, and each parish shall be entitled to representation according to the total number of its population.

SEC. 2. In the year 1846, and every tenth year thereafter, a census shall be made of the total population of the State, in such manner as shall be prescribed by law.

SEC. 3. At the first regular session of the legislature, after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the whole population, in the manner following, viz: Some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time that the divisor shall be contained in the dividend formed of its total population, and to one additional number from every fraction exceeding the one-half of the divisor; and any parish having a total population less than the whole divisor, but exceeding one half of it, shall be entitled to one representative; and the legislature shall be incompetent to act on any subject matter till the apportionment herein directed shall have been made.

SEC. 4. The first representation under this constitution, (ascertained as near as may be in accordance with the above principle, by assuming 4500 as a representative number,) shall continue until the first ap-

portionment shall be made by the legislature, and shall be as follows, viz:

First Municipality,	9
Second " "	8
Third " "	5
West Bank,	1
The parish of Plaquemines,	1
" St. Bernard,	1
" Jefferson,	2
" St. Charles,	1
" St. John the Baptist,	1
" St. James,	2
" Ascension,	2
" Assumption,	2
" Lafourche Interior,	2
" Terrebonne,	2
" Iberville,	2
" West Baton Rouge,	1
" East, do	2
" West Feliciana,	2
" East, do	2
" St. Helena,	1
" Livingston,	1
" Washington,	1
" St. Tammany,	1
" Point Coupee,	1
" Concordia,	1
" Tensas,	1
" Madison,	1
" Carroll,	1
" Franklin,	1
" St. Mary,	2
" St. Martin,	2
" Vermillion,	1
" Lafayette,	1
" St. Landry,	4
" Calcasieu,	1
" Avoyelles,	1
" Rapides,	3
" Natchitoches,	3
" Sabine,	1
" Caddo,	1
" De Soto,	1
" Ouachita,	1
" Morehouse,	1
" Union,	1
" Jackson,	1
" Caldwell,	1
" Catahoula,	1
" Claiborne,	1
" Bossier,	1

Total, 86

The question was on the motion of Mr O'BRYAN that said project be laid on the table indefinitely.

Mr. BENJAMIN offered the following resolution, viz:

Resolved, That the debate upon the subject matter now the order of the day, shall be closed on Thursday next at 2 o'clock, p. m.

On motion of Mr. DOWNS, the following amendment was adopted, viz: "And on every amendment or question arising therefrom;" and the resolution as amended was adopted.

Mr. WADSWORTH moved that the Convention adjourn till to-morrow at 11 o'clock a. m.; the yeas and nays being called for,

Messrs. *Beatty, Benjamin, Boudousquie, Briant, Cenas, Claiborne, Conrad of Jefferson, Culbertson, Downs, Dunn, Eustis, Garcia, Legendre, McCallop, Mazureau, Prudhomme, Ratliff, Read, Roman, Roselius, St. Amand, Scott of Baton Rouge, Taylor of Assumption, Waddill and Wadsworth*, voted in favor of the adjournment—25 yeas; and

Messrs. *Brazeale, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Conrad of New Orleans, Covillion, Derbes, Garrett, Humble, Hynson, Kenner, Labauve, Leonard, Lewis, McRac, Marigny, Mayo, Peets, Penn, Porter, Preston, Pugh, Scott of Madison, Sellers, Soulé, Stephens and Voorhies* voted against the motion—30 nays; consequently the same was lost.

On motion, the Convention adjourned till to-morrow at 11 o'clock a. m., to meet in the hall of the house of representatives.

WEDNESDAY, March 12, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings by prayer.

Mr. DOWNS offered the following resolution, viz:

Resolved, That the Secretary of the Convention be authorized to subscribe for one copy of the Bulletin newspaper, for the use of each member of the Convention, during the remainder of the session.

Mr. KENNER moved to amend the above resolution by adding the words, "and that the Convention discontinue the subscription to the Republican."

On motion of Mr. BEATTY, the resolution and amendment were laid on the table.

Mr. BEATTY then submitted the following resolution, viz:

Resolved, That a committee of three members be appointed to inquire, whether it be the fault of the reporters or of the publishers that the debates in English have not been published to date, with instructions to report a resolution removing the delinquents from office.

Which resolution was adopted.

The President appointed Messrs. Beatty, Ratcliff and Downs, members of said committee.

On motion, leave of absence was granted Mr. Brumfield.

ORDER OF THE DAY.

Project of Mr. BENJAMIN on the apportionment, viz:

SEC. 1. Representation shall be fair and uniform in this State, and each parish shall be entitled to representation according to the total number of its population.

SEC. 2. In the year 1846, and every tenth year thereafter, a census shall be made of the total population of the State, in such manner as shall be prescribed by law.

SEC. 3. At the first regular session of the Legislature, after the making of each census, the Legislature shall apportion the representation among the several parishes on the basis of the whole population, in the manner following, viz: Some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time that the divisor shall be contained in the dividend formed of its total population, and to one additional number from every fraction exceeding the one half of the divisor; and any parish having a total population less than the whole divisor, but exceeding one half of it, shall be entitled to one representative; and the Legislature shall be incompetent to act on any other subject matter till the apportionment herein directed shall have been made.

SEC. 4. The first representation under this constitution, (ascertained as near as may be in accordance with the above principle, by assuming four thousand five hundred as a representative number,) shall continue until the first apportionment shall

be made by the Legislature, and shall be as follows :

First Municipality,	9
Second do,	8
Third do,	5
West Bank,	1
The parish of Plaquemines,	1
“ St. Bernard,	1
“ Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2
“ West Baton Rouge,	1
“ East “ “	2
“ West Feliciana,	2
“ East “ “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Pointe Coupée,	1
“ Concordia,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	1
“ Rapides,	3
“ Natchitoches,	3
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1
Total,	86

The question under consideration was the motion of Mr. O'BRYAN to lay the above on the table indefinitely.

On motion of Mr. RATCLIFF said project was laid on the table, subject to call.

On motion of Mr. RATCLIFF, the Convention then took under consideration the 7th article of the constitution, which provides for the revising of the same, viz :

“ Any amendment or amendments to this constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause the same to be published three months before the next general election, in at least one newspaper in every parish of the State in which newspapers shall be published, and if in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the Secretary of State shall cause the same to be published in manner aforesaid, at least three months prior to the next general election for representatives to the State Legislature, and such proposed amendment or amendments shall be submitted to the people at said election; and if the people shall approve and ratify such amendment or amendments by a majority of all the qualified voters of this State, voting thereon, such amendment or amendments shall become a part of the constitution: *Provided*, that if more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly.

Mr. MAYO moved to amend said article by inserting after the word election, the words “For representatives to the next Legislature,”—which amendment was lost.

Mr. BOUDOUSQUIE moved to amend said article by inserting after the word “published” the words, “in French and English,” which motion was adopted.

Mr. CLAIBORNE moved to amend by inserting after the words “shall be agreed to” the words, “by two-thirds.”

Mr. SOULE moved to amend the amendment by inserting “three-fifths,” instead of “two-thirds,” which amendment was accepted by Mr. Claiborne; and the yeas and nays being called for on the adoption of the amendment, resulted as follows:

Messrs. *Beatty, Benjamin, Boudousquie, Briant, Cade, Carriere, Cenas, Claiborne,*

Conrad of New Orleans, *Conrad* of Jefferson, *Derbes*, *Dunn*, *Garcia*, *Kenner*, *Labauve*, *Ledoux*, *Legendre*, *Mazureau*, *Prudhomme*, *Pugh*, *Roman*, *Roselius*, *St. Amand*, *Sellers*, *Soulè*, *Taylor* of Assumption, *Voorhies*, *Wadsworth* and *Winder* voted in the affirmative—29 yeas; and

Messrs. *Brazeale*, *Burton*, *Chambliss*, *Chinn*, *Covillion*, *Culbertson*, *Downs*, *Garrett*, *Hudspeth*, *Humble*, *Hynson*, *King*, *Lewis*, *McCallop*, *McRae*, *Marigny*, *Mayo*, *Peets*, *Penn*, *Porche*, *Porter*, *Preston*, *Ratliff*, *Read*, *Scott* of Baton Rouge, *Scott* of Madison, *Stephens*, *Waddill* and *Wederstrandt* voted in the negative—29 nays; the vote being equally divided, the president voted in the negative, consequently the motion was lost.

Mr. *BOUDOUSQUIE* gave notice that he would, on a future day, move the reconsideration of said vote.

Mr. *CONRAD* moved to amend by inserting after the words "members elected to each house" the words "and approved by the governor;" which amendment was adopted.

On motion, the Convention adjourned till to-morrow at 11 o'clock a. m.

NOTE.—Members absent, Messrs. *Brent*, *Brumfield*, *Guion*, *O'Bryan*, *Prescott* of St. Landry, *Splane*, *Taylor* of St. Landry and *Wikoff*, absent on leave; Messrs. *Prescott* of Avoyelles and *Trist* absent on account of illness; and Messrs. *Aubert*, *Bourg*, *Grymes*, *Saunders* and *Winchester* did not appear in their seats.

THURSDAY, February 13, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. *WOOLRIDGE* opened the proceedings by prayer.

Mr. *PEETS* submitted the following resolution, viz:

Resolved, that the standing order of the Convention to meet at the hour of 11 o'clock a. m., be rescinded, and that the Convention shall hereafter meet at 10 o'clock a. m.

On motion of Mr. *Peets*, the dispensation of the rule was granted, and the resolution adopted.

On motion of Mr. *CHINN*, the vote given on yesterday on the inserting the words "three-fifths," in the 7th article of the constitution, was reconsidered; and the vote to

be taken on said amendment laid on the table subject to call.

ORDER OF THE DAY.

ARTICLE SEVENTH—MODE OF REVISING THE CONSTITUTION, VIZ:

Any amendment or amendments to this constitution, may be proposed in the senate or house of representatives; and if the same shall be agreed to by a majority of the members elected to each house, and approved by the governor, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of state shall cause the same to be published three months before the next general election, in at least one newspaper in French and English, in every parish in the State in which newspapers shall be published; and if in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of state shall cause the same again to be published in the manner aforesaid, at least three months prior to the next general election for representatives to the State legislature, and such proposed amendment or amendments shall be submitted to the people at said election; and if the people shall approve and ratify such amendment or amendments by a majority of all the qualified voters of this State voting thereon, such amendment or amendments shall become a part of the constitution. *Provided*: that if more than one amendment be submitted at a time, they shall be submitted in such manner and form, that the people may vote for or against each amendment separately and distinctly.

Mr. *LEWIS* moved to amend said article by striking out the words "voting thereon;" and the yeas and nays being called for,

Messrs. *Beatty*, *Benjamin*, *Boudousquie*, *Brazeale*, *Briant*, *Carrierc*, *Chinn*, *Claiborne*, *Covillion*, *Culbertson*, *Derbes*, *Downs*, *Dunn*, *Garcia*, *Garrett*, *Guion*, *Hudspeth*, *Humble*, *Hynson*, *Kenner*, *King*, *Labauve*, *Ledoux*, *Legendre*, *Leonard*, *Lewis*, *McCallop*, *Marigny*, *Mayo*, *Mazureau*, *Peets*, *Porche*, *Porter*, *Prudhomme*, *Pugh*, *Ratliff*, *Read*, *Roman*, *St. Amand*, *Scott* of Baton Rouge, *Sellers*, *Stephens*, *Taylor* of Assumption, *Voorhies*, *Wadsworth* *Wederstrandt* and *Winder*, voted in the affirmative—46 yeas; and

Messrs. *Burton, Cade, Chambliss, Conrad* of New Orleans, *Conrad* of Jefferson, *McRae, Penn, Preston, Scott* of Feliciana, *Scott* of Madison, and *Waddill*, voted in the negative—11 nays; consequently said motion was carried.

On motion of Mr. BENJAMIN, the taking of the vote on the amendment of Mr. Soulé to insert three-fifths, was called up, and the yeas and nays being called for,

Messrs. *Beatty, Benjamin, Boudousquie, Briant, Carriere, Cénas, Chinn, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Kenner, Labauve, Legendre, Marigny, Mazureau, Prudhomme, Pugh, Roman, Roselius, St. Amand, Sellers, Soulé, Taylor* of Assumption, *Wadsworth*, and *Winder*, voted in favor of the amendment; 32 yeas; and

Messrs. *Brazeale, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Hudspeth, Humble, Hynson, King, Leonard, Lewis, McCallop, McRae, Mayo, Peets, Penn, Porche, Porter, Preston, Ratliff, Read, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Stephens, Voorhies, Waddill* and *Wederstrandt*, voted against the amendment—30 nays; the same was carried.

On the motion to adopt the article as amended, viz:

Any amendment or amendments to this constitution, may be proposed in the senate or house of representatives; and if the same shall be agreed to by three-fifths of the members elected to each house, and approved by the governor, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the secretary of state shall cause the same to be published three months before the next general election, in at least one newspaper in French and English, in every parish in the State in which newspapers shall be published; and if in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of state shall cause the same again to be published in the manner aforesaid, at least three months prior to the next general election for representatives to the State legislature, and such proposed amendment or amendments shall be submitted to the people at said

election; and if the people shall approve and ratify such amendment or amendments by a majority of all the qualified voters of this State, such amendment or amendments shall become a part of the constitution. *Provided*, that if more than one amendment be submitted at a time, they shall be submitted in such manner and form, that the people may vote for or against each amendment, separately and distinctly.

The yeas and nays being called for, resulted as follows, viz:

Messrs. *Beatty, Benjamin, Boudousquie, Briant, Carriere, Cénas, Chinn, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Lewis, Marigny, Mazureau, Prudhomme, Pugh, Ratliff, Roman, Roselius, St. Amand, Sellers, Soulé, Stephens, Taylor* of Assumption, *Wadsworth* and *Winder*—40 yeas; and

Messrs. *Brazeale, Burton, Cade, Chambliss, Covillion, Downs, Humble, Hynson, McCallop, McRae, Mayo, Peets, Penn, Porche, Porter, Preston, Read, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Voorhies, Waddill*, and *Wederstrandt*—23 nays; consequently the same was adopted.

Previous to the hour of two o'clock p. m., on motion of Mr. DOWNS, the order of the day was called up, viz:

Mr. RATLIFF gave notice that he would on a future day move the reconsideration of the vote given to insert the three-fifths in the above 7th article just adopted.

ORDER OF THE DAY.

Project of Mr. BENJAMIN on the apportionment:

SEC. 1. Representation shall be equal and uniform in this State, and each parish shall be entitled to representation, according to the total number of its population.

SEC. 2. In the year 1846, and every tenth year thereafter, a census shall be made of the total population of the State, in such manner as shall be prescribed by law.

SEC. 3. At the first regular session of the legislature, after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the whole population, in the manner following, viz: Some number

shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time that the divisor shall be contained in the dividend formed of its total population, and to one additional number from every fraction exceeding the one half of the divisor; and any parish having a total population less than the whole divisor, but exceeding one half of it, shall be entitled to one representative; and the legislature shall be incompetent to act on any other subject matter till the apportionment herein directed shall have been made.

SEC. 4. The first representation under this constitution, (ascertained as near as may be in accordance with the above principle by assuming 4500 as a representative number,) shall continue until the first apportionment shall be made by the legislature, and shall be as follows:

First Municipality,	9
Second Municipality,	8
Third Municipality,	5
West Bank,	1
The parish of Plaquemines,	1
“ St. Bernard,	1
“ Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2
“ West Baton Rouge,	1
“ East Baton Rouge,	2
“ West Feliciana,	2
“ East “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupee,	1
“ Concordia,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	2
“ Vermillion,	1

The Parish of Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	1
“ Rapides,	3
“ Natchitoches,	3
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1
Total,	86

The question under consideration was the motion of Mr. O'BRYAN to lay on the table indefinitely the above project, and the yeas and nays being called for,

Messrs. *Brazeale, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Hudspeth, Humble, Hynson, Leonard, Lewis, McCallop, McRae, Mayo, Peets, Penn, Porche, Porter, Preston, Prudhomme, Ralliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Stephens, Voorhies, Waddill and Wederstrandt*, voted in the affirmative—30 yeas; and

Messrs. *Beatty, Benjamin, Boudousquie, Briant, Carriere, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Kenner, King, Labauve, Ledoux, Legendre, Marigny, Mazureau, Pugh, Roman, Roselius, St. Amand, Sellers, Soule, Taylor of Assumption, Wadsworth and Winder*, voted in the negative—33 nays; consequently said motion was lost.

Mr. DOWNS moved to amend by striking out from the first section in the second line from the word “State,” all the words and sections in said project, and insert in lieu thereof, the following, viz:

ARTICLE SECOND.

SEC. 6. And shall forever be regulated and ascertained by the number of qualified electors therein: *provided* that at every future apportionment, the full representation of New Orleans, with its present limits, shall be reduced one-fifth, and that each parish shall have at least one representative; and *provided further*, that no new parish

shall be created with a territory less than four hundred square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors. In the year , and every four years thereafter, an enumeration of all the electors shall be made, in such manner as shall be directed by law. The number of representatives shall in the several years of making these enumerations, or during the next succeeding session of the general assembly, be so fixed, according to the principles of this section, as not to be less than eighty, nor more than one hundred: *provided*, that the general assembly shall be incompetent to pass any laws after the enumeration until the apportionment shall be made. Until the first enumeration shall be made, as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows:

First Municipality,	8
Second “	8
Third “	3
Right Bank of the Mississippi,	1
The Parish of Plaquemines,	2
“ St. Bernard,	1
“ Jefferson,	3
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2
“ West, Baton Rouge,	1
“ East “	3
“ West Feliciana,	2
“ East “	3
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupee,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	3
“ Vermillion,	1
“ Lafayette,	2

The Parish of St. Landry,	5
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	4
“ Natchitoches,	4
“ Sabine,	2
“ Caddo,	1
“ De Soto,	1
“ Ouachita	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	2
“ Claiborne,	2
“ Bossier,	1

—
Total, 97

Mr. TAYLOR of Assumption moved to amend said amendment by striking out from the first section the words “provided, that at every future apportionment the full representation of New Orleans, with its present limits, shall be reduced one-fifth.” And pending the discussion on said motion the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent: Messrs. Brent, Brumfield, Prescott of St. Landry, Splane, Taylor of St. Landry and Wikoff, absent on leave. Messrs. Prescott of Avoyelles, and Trist, absent on account of illness; and Messrs. Aubert, Bourg and Winchester did not appear in their seats.

FRIDAY, March 14, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEPHENS, at the request of the President, opened the proceedings by prayer.

Mr. RATLIFF, chairman of the committee on contingent expenses, submitted the following resolution, which was adopted, viz:

Resolved, That the committee on contingent expenses be authorized to pay Mrs. Hawley nine hundred and twenty-six dollars for the rent of the St. Louis ball room for the sitting of the Convention from the 13th of January until the 11th of March, and other expenses, gas, water, &c. while there.

ORDER OF THE DAY.

Project of Mr. Benjamin on the apportionment:

SEC. 1. Representation shall be fair and uniform in this State, and each parish shall be entitled to representation according to the total number of its population:

SEC. 2. In the year 1846, and every tenth year thereafter, a census shall be made of the total population of the State, in such manner as shall be prescribed by law.

SEC. 3. At the first regular session of the Legislature, after the making of each census, the Legislature shall apportion the representation among the several parishes on the basis of the whole population, in the manner following, viz: Some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time that the divisor shall be contained in the dividend formed of its total population, and to one additional number from every fraction exceeding the one half of the divisor; and any parish having a total population less than the whole divisor, but exceeding one half of it, shall be entitled to one representative; and the Legislature shall be incompetent to act on any other subject matter till the apportionment herein directed shall have been made.

SEC. 4. The first representation under this constitution, (ascertained as near as may be in accordance with the above principle, by assuming four thousand five hundred as a representative number,) shall continue until the first apportionment shall be made by the Legislature, and shall be as follows:

First Municipality,	9
Second do,	8
Third do,	5
West Bank,	1
The parish of Plaquemines,	1
“ St. Bernard,	1
“ Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2

The Parish of West Baton Rouge,	1
“ East “ “	2
“ West Feliciana,	2
“ East “	2
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Pointe Coupée,	1
“ Concordia,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	1
“ Rapides,	3
“ Natchitoches,	3
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1

Total, 86

Which project Mr. Downs moved to amend by striking out all the words and sections after the word “State,” and insert the following, viz:

ARTICLE SECOND.

“And shall forever be regulated and ascertained by the number of qualified electors therein; *Provided*, that at any future apportionment, the full representation of New Orleans, with its present limits, shall be reduced one fifth, and that each parish shall have at least one representative; and *provided further*, that no new parish shall be created with a territory less than four hundred square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors. In the year —, and every four years thereafter, an enumeration of all the electors shall be made, in such manner as

shall be directed by law. The number of representatives shall, in the several years of making these enumerations, or during the next succeeding session of the general assembly, be so fixed, according to the principles of this section, as not to be less than eighty, nor more than one hundred; *Provided*, that the general assembly shall be incompetent to pass any laws after the enumeration until the apportionment shall be made. Until the first enumeration shall be made, as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows: eight by the First Municipality; eight by the Second Municipality; three by the Third Municipality, and one by that part of the parish on the right bank of the Mississippi.

The Parish of Plaquemines,	2
“ St. Bernard,	1
“ Jefferson,	3
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2
“ West Baton Rouge,	1
“ East do do	3
“ West Feliciana,	2
“ East do	3
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupée,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	3
“ Vermillion,	1
“ Lafayette,	2
“ St. Landry,	5
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	4
“ Natchitoches,	4
“ Sabine,	2
“ Caddo,	1
“ De Soto,	1

The Parish of Ouachita,	1
“ Morehouse	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	2
“ Claiborne,	2
“ Bossier,	1
—	
Total,	97

The question under consideration, being the motion of Mr. Taylor of Assumption, to strike out the following proviso in the first section of the amendment of Mr. Downs, the yeas and nays being called for,

Messrs. *Benjamin, Boudousquie, Briant, Carriere, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Ledoux, Legendre, Leonard, Lewis, Marigny, Mazureau, Preston, Ratliff, Roman, Roselius, St. Amand, Saunders, Sellers, Soulé, Taylor of Assumption, and Wadsworth—35 yeas; and*

Messrs. *Beatty, Bourg, Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, Labauve, McCallop, McRea, Mayo, Peets, Penn, Porehe, Porter, Prudhomme, Pugh, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Voorhies, Waddill, Wederstrandt, and Winder—32 nays; consequently said motion prevailed.*

Mr. TAYLOR of Assumption, then offered the following proviso, viz:

Provided, that at each apportionment hereafter to be made of the representation in the house of representatives, that part of the parish of Orleans lying on the east side of the Mississippi river, shall be divided into election districts in such a manner that no one district shall elect more than two representatives.

Mr. BEATTY moved to lay indefinitely on the table, the amendment and proviso, and the yeas and nays being called for,

Messrs. *Beatty, Benjamin, Boudousquie, Bourg, Briant, Carriere, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Grymes, Guion, Kenner, Labauve, Legendre, Marigny, Mazureau, Pugh, Roman, St. Amand, Saunders, and Sellers—27 yeas; and*

Messrs. *Brazeale, Brent, Burton, Cade,*

Chambliss, Covillion, Downs, Eustis, Garrett, Hudspeth, Humble, Hynson, King, Ledoux, Leonard, Lewis, McCallop, McRae, Mayo, Peets, Penn, Porche, Porter, Preston, Prudhomme, Ratliff, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, Wadsworth and Wederstrandt—39 yeas.

Mr. RATLIFF moved the reconsideration of the vote given, to strike out the proviso in the amendment of Mr. Downs, and the yeas and nays being called for,

Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Dunn, Garrett, Humble, Hynson, McCallop, McRae, Mayo, Peets, Penn, Porche, Porter, Prudhomme, Pugh, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Voorhies, Wederstrandt* and *Winder* voted in the affirmative—31 yeas, and

Messrs. *Beatty, Benjamin, Bourg, Briant, Carriere, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Lewis, Marigny, Mazureau, Preston, Roman, Roselius, St. Amand, Sellers, Taylor of Assumption* and *Wadsworth* voted in the negative—33 nays; consequently the motion was lost.

Mr. CLAIBORNE moved to lay on the table indefinitely the proviso of Mr. Taylor of Assumption, and called for the yeas and nays; which resulted as follows:

Messrs. *Beatty, Benjamin, Boudousquie, Bourg, Briant, Burton, Cenas, Chinn, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Guion, Labauve, Legendre, Marigny, Mazureau, Penn, Prudhomme, Pugh, Roman, Saunders* and *Sellers* voted in favor of the motion—26 yeas; and

Messrs. *Brazeale, Brent, Cade, Carriere, Chambliss, Covillion, Garrett, Hudspeth, Humble, Hynson, Kenner, King, Leonard, Lewis, McCallop, McRae, Mayo, Peets, Porche, Porter, Preston, Ratliff, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, Wadsworth, Wederstrandt* and *Winder* voted in the negative—36 nays; consequently the motion was lost.

On motion the Convention adjourned till to-morrow at 11 o'clock, a. m.

NOTE.—Members absent—Messrs. Brumfield, O'Bryan, Prescott of St. Landry, and Taylor of St. Landry, absent on leave; Messrs. Prescott of Avoyelles and Trist, absent on account of illness, and Messrs. Aubert, Wikoff and Winchester did not appear in their seats.

SATURDAY, March 15, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings with prayer.

Mr. BEATTY, chairman of the committee appointed to enquire into the cause of the delay in printing the English reports of the proceedings of the Convention, submitted the following report and resolution, viz:

The committee appointed to enquire into the cause of the delay in printing the English reports of the proceedings of the Convention, respectfully submit,

That upon enquiry they have ascertained that the delay in printing has originated in the inability of Mr. Robert J. Kerr to furnish the necessary amount of copy to the printers. That he has constantly been many days behind hand with his copy, and was, on March 10th, only ready to furnish the copy of the proceedings of the 24th February. That according to his statement furnished the Convention, he is now ready to furnish copy of proceedings and debates up to date. They therefore recommend the adoption of the following resolution, all of which is respectfully submitted.

(Signed) J. C. BEATTY, Chairman
of the committee.

Resolved, That the reporters in English be required, on the evening of the day succeeding any debates or proceedings of the house to furnish copy of those proceedings to the printers, obtain their receipt for the same, and file it with the secretary; and that on their failure so to do, the secretary shall report the fact to the Convention, and the delinquent be instantly removed from his post.

On motion of Mr. DUNN, said resolution was amended by striking out the words "and the delinquent be instantly removed from his post."

On motion, said resolution was adopted as amended, viz:

Resolved, That the reporters in English be required, on the evening of the day succeeding any debate or proceedings of the house, to furnish copy of those proceedings to the printers, obtain their receipt for the same, and file it with the secretary; and that on their failure so to do, the secretary shall report the fact to the Convention.

ORDER OF THE DAY.

Project of Mr. BENJAMIN on the legislative department.

SEC. 1. Representation shall be equal and uniform in this State, and each parish shall be entitled to representation, according to the total number of its population.

SEC. 2. In the year 1846, and every tenth year thereafter, a census shall be made of the total population of the State, in such manner as shall be prescribed by law.

SEC. 3. At the first regular session of the legislature, after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the whole population, in the manner following, viz: Some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time that the divisor shall be contained in the dividend formed of its total population, and to one additional number from every fraction exceeding the one half of the divisor; and any parish having a total population less than the whole divisor, but exceeding one half of it, shall be entitled to one representative; and the legislature shall be incompetent to act on any other subject matter till the apportionment herein directed shall have been made.

SEC. 4. The first representation under this constitution, (ascertained as near as may be in accordance with the above principle, by assuming four thousand five hundred as a representative number,) shall continue until the first apportionment shall be made by the legislature, and shall be as follows:

First Municipality,	9
Second Municipality,	8
Third Municipality,	5
West Bank,	1

The Parish of Plaquemines,	1
“ St. Bernard,	1
“ Jefferson,	2
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2
“ West Baton Rouge,	1
“ East “ “	2
“ West Feliciana,	2
“ East Feliciana,	2
“ Livingston,	1
“ St. Helena,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupée,	1
“ Concordia,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	2
“ Vermillion,	1
“ Lafayette,	1
“ St. Landry,	4
“ Calcasieu,	1
“ Avoyelles,	1
“ Rapides,	3
“ Natchitoches,	3
“ Sabine,	1
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	1
“ Claiborne,	1
“ Bossier,	1

Total, 86

Which Mr Downs moved to amend by striking out after the word “State,” the balance of said project, and insert in lieu thereof the following amendment, viz:

ARTICLE SECOND.

SEC. 6. Representation shall forever be equal and uniform in this State, and shall forever be regulated and ascertained by the number of qualified voters therein; *Provided*, that each apportionment here-

eafter to be made of the representation in the house of representatives, that part of the parish of Orleans lying on the east side of the Mississippi river, shall be divided into election districts, in such a manner that no one district shall elect more than two representatives, and that each parish shall have at least one representative; and *provided further*, that no new parish shall be created with a territory less than four hundred square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors. In the year, and every four years thereafter, an enumeration of all the electors shall be made, in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, or during the next succeeding session of the general assembly, be so fixed, according to the principles of this section, as not to be less than eighty, nor more than one hundred; *Provided*, that the general assembly shall be incompetent to pass any laws after the enumeration until the apportionment shall be made. Until the first enumeration shall be made, as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows: eight by the first municipality; eight by the second municipality; three by the third Municipality, and one by that part of the parish on the right bank of the Mississippi.

The Parish of Plaquemines,	2
“ St. Bernard,	1
“ Jefferson,	3
“ St. Charles	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2
“ West Baton Rouge,	1
“ East “ “	3
“ West Feliciana,	2
“ East “	3
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1

The Parish of Pointe Coupée,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	3
“ Vermillion,	1
“ Lafayette,	2
“ St. Landry,	5
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	4
“ Natchitoches,	4
“ Sabine,	2
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	2
“ Claiborne,	2
“ Bossier,	1

—
Total, 97

On motion of Mr. BENJAMIN the motion under consideration was laid on the table, subject to call.

Mr. DOWNS moved that the Convention take up the question just laid on the table subject to call, and called for the yeas and nays.

Messrs. Brazeale, Brent, Cade, Carriere, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, McCallop, McRae, Mayo, Peets, Penn, Porche, Porter, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Voorhies, Waddill, Wadsworth and Wederstrandt voted in the affirmative—28 yeas; and

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Briant, Burton, Cenas, Chinn, Claiborne, Culbertson, Derbes, Dunn, Garcia, Guion, Hudspeth, Kenner, King, Legendre, Leonard, Lewis, Marigny, Mazureau, Prudhomme, Pugh, Roman and Winder voted in the negative—26 nays; consequently said motion was carried.

Mr. BENJAMIN then submitted the following substitute, viz: *Provided*, that each of the three municipalities of New Orleans

be divided into two separate representative districts to be constituted as follows, viz :

All that portion of the first municipality situated above St. Peter street, and including the upper side of said street, shall form the first representative district of the first municipality, and the remainder of said first municipality shall form the second representative district of the first municipality. All that portion of the second municipality, situated above Delord street, Cour des Tritons street and the New Orleans canal, including the upper sides of said streets, shall form the first representative district of the second municipality, and the remainder of said municipality shall form the second representative district of the second municipality. All that portion of the third municipality, situated above Champs Elysees street, and including the upper side of said street, shall form the first representative district of the third municipality; and the remainder of said municipality shall form the second representative district of the third municipality.

Mr. Downs offered the following resolution, viz:

Resolved, That the substitute of Mr. Taylor of Assumption be referred to a committee composed of the delegates from the city of New Orleans, with instructions to report it back on Monday next, dividing New Orleans, on the left bank of the river, into ten representative districts.

Mr. Voorhies moved to amend said resolution by inserting the following words, to-wit:

"First municipality into three election districts; second municipality into three election districts; third municipality, two election districts.

Mr. Beatty moved for a division, that is, the Convention first proceed to strike out the word "ten;" which motion prevailed, and the said word "ten" was then stricken out.

The yeas and nays were then called for on the amendment of Mr. Voorhies, which resulted as follows:

Messrs. Boudousquie, Brazeale, Brent, Briant, Burton, Cade, Carriere, Chambliss, Covillion, Culbertson, Derbes, Downs, Garrett, Humble, Hynson, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porche, Porter, Preston, Prudhomme, Ratliff, Read, Roselius, Scott of Baton Rouge, Scott of

Feliciania, Scott of Madison, Splane, Stephens, Voorhies, Waddill and Wederstrandt, voted in the affirmative—36 yeas; and

Messrs. Beatty, Benjamin, Bourg, Cenas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Dunn, Eustis, Garcia, Guion, Hudspeth, Kenner, King, Lewis, Mazureau, Pugh, Roman, Saunders, Sellers, Wadsworth and Winder, voted in the negative—23 nays; consequently said motion was carried.

On motion of Mr. Voorhies, the resolution, as amended, was adopted; and the President appointed Mr. Marigny chairman of the said committee.

Mr. Sellers then moved that the Convention adjourn till Monday next at 10 o'clock a. m.; and the yeas and nays being called for,

Messrs. Boudousquie, Briant, Conrad of New Orleans, Garcia, Kenner, Marigny, Mazureau, Roman and Sellers voted for the adjournment—9 yeas; and

Messrs. Beatty, Benjamin, Bourg, Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Chinn, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, King, Ledoux, Leonard, Lewis, McCallop, McRae, Mayo, Peets, Penn, Porter, Preston, Prudhomme, Pugh, Ratliff, Read, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciania, Scott of Madison, Splane, Stephens, Voorhies, Waddill, Wederstrandt and Winder voted against the adjournment—48 nays; consequently the same was lost.

Mr. Beatty moved to amend the amendment of Mr. Downs by striking out the words "in the year —, and every four years thereafter, an enumeration of all the electors shall be made, in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, or during the next succeeding session of the general assembly, be so fixed according to the principles of this section, as not to be less than eighty, nor more than one hundred; *Provided*, that the general assembly shall be incompetent to pass any laws after the enumeration until the apportionment shall be made," and insert in lieu thereof—

SEC. —. In the year —, and every tenth year thereafter, a census shall be

made of the population of this State, in such manner as shall be prescribed by law, for the purpose of ascertaining the number of the qualified electors in each parish.

SEC. —. At the first regular session of the legislature after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the qualified electors as aforesaid, and in the manner following, to wit: some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to one additional member for every fraction exceeding the one half of the divisor—and any parish having a number of qualified electors less than the whole divisor, but exceeding one half of it, shall be entitled to one representative, and the legislature shall be incompetent to act on any other subject matter until the apportionment directed by this article shall have been made.

Which amendment was adopted.

On motion of Mr. LEWIS the amendment of Mr. Downs was amended by striking out four hundred miles, and inserting in lieu thereof six hundred and twenty-five.

Mr. BENJAMIN moved to amend by striking out the words "that each parish shall have at least one representative." The yeas and nays being called for—

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Briant, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Dunn, Guion, Hudspeth, Kenner, King, Lewis, Marigny, Mazureau, Pugh, Roman, Roselius, Saunders, Soulé, Wadsworth and Winder voted in the affirmative—24 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Covillion, Culbertson, Downs, Garrett, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Mayo, Peets, Porche, Porter, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Voorhies, Waddill and Wederstrandt voted in the negative—31 nays; consequently said motion was lost.

Mr. BEATTY moved to refer to a com-

mittee composed of one member from each congressional district, the latter part of the amendment of Mr. Downs, fixing the number of representatives to each parish, and, pending the discussion on said motion,

Mr. KENNER moved that the Convention adjourn till Monday next, at 10 o'clock, A. M. The yeas and nays being called for,

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Briant, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garrett, Guion, Hudspeth, Kenner, King, Leonard, Lewis, McCallop, Marigny, Mazureau, Pugh, Roman, Roselius, Scott of Baton Rouge, Scott of Madison, Waddill, Wadsworth, and Winder voted in favor of the adjournment—30 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Carriere, Downs, Humble, Hynson, McRae, Mayo, Peets, Porche, Porter, Prudhomme, Read, Saunders, Scott of Feliciana, Sellers, Splane, Stephens, Voorhies, and Wederstrandt voted against the adjournment—22 nays; consequently the same was carried.

Note—Members absent, Messrs. Brumfield, O'Bryan, Prescott of St. Landry, and Taylor of St. Landry, absent on leave—Messrs. Trist, and Prescott of Avoyelles absent on account of illness. Aubert, Labauve, St. Amand, Taylor of Assumption, and Winchester, did not appear in their seats.

MONDAY, March 17, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings by prayer.

On motion leave of absence was granted to Mr. Penn, on account of illness in his family.

On motion of Mr. SPLANE, it is ordered that arrangements be made for the reception of ladies.

The Secretary reported that Mr. Ker, the reporter of the debates in English had furnished the printers' receipt for the reports of the 28th February, 4th, 6th and 11th of March.

Mr. CENAS, a member of the committee to whom was referred the division of the city of New Orleans into eight representative districts, submitted the following report, viz:

The committee composed of the delegation of New Orleans, to whom was referred the project of the division of the city of New Orleans for the choice of representatives to the house of representatives, into eight districts, report—

That the division of the three municipalities into eight districts is inconvenient and difficult to be carried into effect, so as to secure a just and equal representation, and it is therefore recommended that the number of districts be reduced to six, each municipality being divided into two election districts.

The following division, although far from being satisfactory to the committee, is the only one, dividing the city into eight districts, upon which they have been able to agree, viz :

1st. First district—To extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district—To extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, and thence down said canal to the lake.

3d. Third district—To comprise the residue of the second municipality.

4th. Fourth district—To extend from the middle of Canal street to the middle of St. Louis street, until it shall reach the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district—To extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the Bayou St. John, thence along the middle of said Bayou until it intersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district—To be composed of the residue of the first municipality.

7th. Seventh district—To be composed of all that portion of the third municipality above the Ponchartrain rail road.

8th. Eighth district—To be composed of all that part of the third municipality below the Ponchartrain rail road.

Mr. CENAS moved that the report be laid on the table, subject to call ; which motion was lost.

Mr. VOORHIES moved that the report be taken into consideration with the section relative thereto ; which motion was adopted.

On motion of Mr. BRENT, that part of the report dividing the city into eight representative districts was adopted—and the balance of said report laid on the table indefinitely.

ORDER OF THE DAY.

The substitute offered by Mr. Downs to the project of Mr. Benjamin, and amended by Mr. Beatty, viz :

Representation shall be equal and uniform in this State, and shall forever be regulated and ascertained by the number of qualified electors therein : and that each parish shall have at least one representative ; and *provided further*, that no new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such parish would leave any other parish without the said extent of territory and number of electors.

In the year —, and every tenth year thereafter, a census shall be made of the population of the State, in such manner as shall be prescribed by law, for the purpose of ascertaining the number of qualified voters in each parish.

At the first regular session of the legislature, after the making of each census, the legislature shall apportion the representation among the several parishes on the basis of the qualified voters as aforesaid, and in the manner following, viz : Some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred ; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to one additional member for every fraction exceeding the one half of the divisor ; and any parish having a number of qualified voters less than the whole divisor, but exceeding one half of it, shall be entitled to one representative ; and the legislature shall be incompetent to act on any subject matter till the apportionment directed by this article shall have been made.

That part of the parish of Orleans situated on the left bank of the Mississippi river, shall be divided into eight districts, as follows, viz :

1st. First district—To extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district—To extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district—To comprise the residue of the second municipality.

4th. Fourth district—To extend from the middle of Canal street to the middle of St. Louis street, until it shall reach the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district—To extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the Bayou St. John, thence along the middle of said Bayou St. John until it intersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district—To be composed of the residue of the first municipality.

7th. Seventh district—To be composed of all that portion of the third municipality above the Ponchartrain rail road.

8th. Eighth district—To be composed of all that part of the third municipality below the Ponchartrain rail road.

Until the first enumeration shall be made, as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows: Eight by the first municipality; eight by the second municipality; three by the third municipality, and one by that part of the parish on the right bank of the Mississippi.

The Parish of Plaquemines,	2
“ St. Bernard,	1
“ Jefferson,	3
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	2
“ Terrebonne,	2
“ Iberville,	2
“ West, Baton Rouge,	1
“ East “	3
“ West Feliciana,	2
“ East “	3
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1

The parish of St. Tammany,	1
“ Point Coupeé,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	3
“ Vermillion,	1
“ Lafayette,	2
“ St. Landry,	5
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	4
“ Natchitoches,	4
“ Sabine,	2
“ Caddo,	1
“ De Soto,	1
“ Ouachita	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	2
“ Claiborne,	2
“ Bossier,	1

Total, 97

Mr. MAYO moved to reconsider the vote given on the adoption of the following amendment offered by Mr. Beatty, viz:

SEC. 10. In the year —, and every tenth year thereafter, a census shall be made of the population of this State, in such manner as shall be prescribed by law, for the purpose of ascertaining the number of qualified electors in each parish.

SEC. 11. At the first regular session of the legislature, after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the qualified electors as aforesaid, and in the manner following, to wit: some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to one additional member for every fraction exceeding the one half of the divisor—and

any parish having a number of qualified voters less than the whole divisor, but exceeding one half of it, shall be entitled to one representative, and the legislature shall be incompetent to act on any other subject matter until the apportionment directed by this article shall have been made.

The yeas and nays being asked for—

Messrs. *Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Humble, Hynson, McCallop, McRae, Mayo, Peets, Porche, Porter, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Voorhies, Waddill, Wadsworth, and Wederstrandt*, voted in the affirmative—26 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garrett, Guion, Hudspeth, King, Ledoux, Lewis, Marigny, Mazureau, Pugh, Roman, Saunders, Sellers, Taylor of Assumption, Trist, Winchester, and Winder*, voted in the negative—28 nays; consequently the motion was lost.

Mr. BEATTY moved to refer to a special committee composed of one member from each congressional district, that part of the section fixing the number of representatives to each parish, and the yeas and nays being called for—

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Guion, Hudspeth, Legendre, Lewis, Marigny, Mazureau, Pugh, Roman, Roselius, St. Amand, Taylor of Assumption, Trist, Wadsworth, Winchester, and Winder*, voted in the affirmative—25 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Dunn, Garrett, Humble, Hynson, King, Ledoux, McCallop, McRae, Mayo, Peets, Porche, Porter, Prudhomme, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Voorhies, Waddill and Wederstrandt*, voted in the negative—30 nays; the motion was lost.

The apportionment of the city of New Orleans was suspended for the consideration of the Orleans delegation.

Mr. BRENT then moved for the adoption of that part of the section fixing the representation of each parish.

Mr. BENJAMIN moved for a division, that is, the Convention act on the representation of each parish separately; which motion prevailed.

The Convention then called the parishes as follows, viz:

The Parish of Plaquemine shall be entitled to two representatives, adopted,	2
The Parish of St. Bernard, one, “	1
“ Jefferson, three, “	3
“ St. Charles, one, “	1
“ St John Baptist one, “	1
“ St. James, two, “	2
“ Ascension, two, “	2
“ Assumption, two, “	2

The parish of Lafourche Interior shall be entitled to two representatives.

Mr. BEATTY moved to amend by inserting “three,” instead of “two;” and called for the yeas and nays.

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garrett, Guion, Hudspeth, King, Legendre, Lewis, McCallop, Marigny, Mazuraeu, Pugh, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Taylor of Assumption, Trist, Wadsworth, Winchester, and Winder* voted in the affirmative—32 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Humble, Hynson, Ledeaux, McRae, Mayo, Peets, Porshe, Porter, Prudhomme, Read, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Voorhies, Waddill, and Wederstrandt*, voted in the negative—26 nays; the motion was carried.

The section as amended was adopted, viz: “the parish of Lafourche interior shall be entitled to three representatives.”

Mr. WADSWORTH moved for the reconsideration of the vote given on the adoption of the representation of the Parish of Plaquemines, and called for the yeas and nays, and

Messrs. *Aubert, Beatty, Bourg, Briant, Carriere, Claiborne, Conrad of New Orleans, Culbertson, Derbes, Eustis, Guion, Ledoux, Legendre, Leonard, Marigny, Porche, Pugh, St. Amand, Taylor of Assumption, Trist, Waddill, Wadsworth and Winchester* voted in the affirmative—23 yeas; and

Messrs. *Benjamin, Brazeale, Brent, Burton, Cade, Chambliss, Conrad of Jefferson,*

Covillion, Downs, Dunn, Garrett, Hudspeth, Humble, Hynson, King, Lewis, McCallop, McRae, Mayo, Mazureau, Peets, Porter, Prudhomme, Read, Roman, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Voorhies, and Wederstrandt voted in the negative—38 nays; said motion was therefore lost.

Mr. Taylor of Assumption moved for the re-consideration of the vote giving two representatives to the parish of Assumption. The yeas and nays being called for,

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Dunn, Eustis, Guion, Ledoux, Legendre, Leonard, Marigny, Mazureau, Pugh, Roman, St. Amand, Saunders, Taylor of Assumption, Trist, Wadsworth, Winchester and Winder* voted in the affirmative—27 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Garrett, Hudspeth, Humble, Hynson, King, Lewis, McCallop, McRae, Mayo, Peets, Porche, Porter, Prudhomme, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Voorhies, Waddill and Wederstrandt* voted in the negative—31 nays; consequently said motion was lost.

On motion, the representation of the parish of Terrebonne was fixed at two representatives; the parish of Iberville fixed at two representatives; and the parish of West Baton Rouge fixed at one representative.

On the motion to fix the representation of the Parish of East Baton Rouge at three representatives,

Mr. WINCHESTER moved to insert "two" instead of "three" representatives. The yeas and nays being called for,

Messrs. *Bourg, Conrad of Jefferson, Legendre, Leonard, Mazureau, Roman, St. Amand, Sellers and Winchester* voted in the affirmative—9 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Brazeale, Brent, Briant, Burton, Cade, Carriere, Cénas, Chambliss, Claiborne, Conrad of New Orleans, Covillion, Culbertson, Derbes, Downs, Dunn, Garrett, Guion, Humble, Hynson, King, Ledoux, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Porche, Porter, Prudhomme, Pugh, Read, Roselius, Saunders, Scott of Baton Rouge,*

Scott of Feliciana, Scott of Madison, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt and Winder voted in the negative—49 nays; consequently the motion was lost, and the representation of said parish of East Baton Rouge was fixed at three representatives.

On motion the representation of the parish of West Feliciana was fixed at two representatives.

On motion the representation of the parish of East Feliciana was fixed at three representatives.

On motion the representation of the parish of St. Helena was fixed at one representative.

The parish of Livingston to be entitled to one representative.

Mr. McRAE moved to amend the representation of the Parish of Livingston, by inserting "two" instead of "one" representative. The yeas and nays being called for,

Messrs. *Dunn, Garrett, Hudspeth, McRae, Porche and Saunders* voted in the affirmative—6 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Burton, Cade, Carriere, Cénas, Chambliss, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Guion, Humble, Hynson, King, Ledoux, Legendre, Leonard, Lewis McCallop, Marigny, Mayo, Mazureau, Peets, Porter, Prudhomme, Pugh, Read, Roman, Roselius, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Winchester and Winder* voted in the negative—53 nays; consequently the motion was lost, and the representation of the parish of Livingston, was fixed at one representative.

On motion the representation of the parish of Washington was fixed at one representative.

On motion the representation of the parish of St. Tammany was fixed at one representative.

The representation of the parish of Point Coapée, fixing the same at one representative.

Mr. LEDOUX moved to amend the same by inserting "two," instead of "one" repre-

sentative. The yeas and nays being called for,

Messrs. *Dunn, Guion, Ledoux, Legendre, Marigny, Porche, Pugh, Saunders, Taylor* of Assumption, and *Wederstrandt* voted in favor of said motion—10 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Burton, Cade, Carriere, Cénas, Chambliss, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Downs, Garrett, Hudspeth, Humble, Hynson, King, Leonard, Lewis, McCallop, McRae, Mayo, Mazureau, Peets, Prudhomme, Read, Roman, Roselius, St. Amand, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Splane, Stephens, Trist, Voorhies, Waddill, Winchester* and *Winder* voted against the motion—47 nays; consequently the same was lost, and the representation of the said parish of Point Coupée was fixed at one representative.

On motion, the representation of the parish of Concordia was fixed at one representative.

On motion, the representation of the parish of Tensas was fixed at one representative.

On motion, the representation of the parish of Madison was fixed at one representative.

On motion, the representation of the parish of Carroll was fixed at one representative.

On motion, the representation of the parish of Franklin was fixed at one representative.

On motion, the representation of the parish of St. Mary was fixed at two representatives.

On motion, the representation of the parish of St. Martin was fixed at three representatives.

On motion, the representation of the parish of Vermillion was fixed at one representative.

On motion, the representation of the parish of Lafayette was fixed at two representatives.

On motion, the representation of the parish of St. Landry was fixed at five representatives.

On motion, the representation of the parish of Calcasieu was fixed at one representative.

On motion, the representation of the pa-

rish of Avoyelles was fixed at two representatives.

The representation of the parish of Rapides, fixing it at four representatives, being taken up,

Mr. TAYLOR of Assumption, moved to amend the same by inserting "three," instead of "four" representatives. The yeas and nays being called for,

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Carriere, Cénas, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, Dunn, Garrett, Guion, Hudspeth, King, Ledoux, Legendre, Leonard, Lewis, McCallop, Marigny, Mazureau, Pugh, Roman, Roselius, St. Amand, Saunders, Sellers, Taylor* of Assumption, *Trist, Wadsworth, Winchester* and *Winder* voted in the affirmative—35 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Humble, Hynson, McRae, Mayo, Peets, Porche, Porter, Prudhomme, Read, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Splane, Stephens, Voorhies, Waddill* and *Wederstrandt* voted in the negative—24 nays; the motion was carried, and the representation of said parish of Rapides was fixed at three representatives.

The representation of the parish of Natchitoches, fixing it at four representatives, being taken up,

Mr. GUION moved to amend the same by inserting "three," instead of "four" representatives. The yeas and nays being called for,

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Carriere, Cénas, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, Dunn, Garrett, Guion, Hudspeth, King, Ledoux, Legendre, Leonard, Lewis, Marigny, Mazureau, Pugh, Roman, Roselius, St. Amand, Saunders, Sellers, Taylor* of Assumption, *Trist, Winchester* and *Winder* voted in the affirmative—23 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Humble, Hynson, Mayo, McCallop, McRae, Peets, Porche, Porter, Prudhomme, Read, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Splane, Stephens, Voorhies, Waddill, Wadsworth* and *Wederstrandt* voted in the negative—26 nays; consequently the motion was carried, and the representation of the aforesaid parish of Natchitoches was fixed at three representatives.

Mr. BRENT gave notice that he would on to-morrow, move to re-consider the vote given on the adoption of the representation of the parish of St. Landry.

On motion, the Convention adjourned till to-morrow at 10 o'clock, a. m.

NOTE.—Members absent: Messrs. Brumfield, O'Bryan, Prescott of St. Landry, Taylor of St. Landry, and Wikoff, absent on leave. Messrs. Penn and Prescott of Avoyelles, absent on account of illness; and Messrs. Boudousquié, Chinn, Garcia, Grymes, Kenner, Labauve, Preston, and Soulé did not appear in their seats.

TUESDAY, March 18, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. BEATTY opened the proceedings with prayer.

The secretary reported the receipt of the printers from Mr. Kerr, for the debates of the Convention, to the 13th instant.

Mr. VOORHIES submitted the following resolution, viz :

Resolved, The right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a non-commissioned officer, soldier, seaman or marine in the service of the United States, or by any person convicted of a crime deemed by law felony; which resolution was ordered to be printed.

Mr. READ submitted the following resolutions, viz :

Resolved, That the printers of the English reports of the proceedings of the Convention be directed to publish said proceedings in the Jeffersonian Republican daily, or otherwise, as shall best enable them to bring up the debates, and continue their publication the days succeeding those in which the reports are furnished them.

Resolved, That the committee on contingent expenses be instructed to allow said printers such sums as in their estimation will cover the additional expense incurred.

Mr. KENNER moved for a division—that is, the Convention act on each resolution separately; which motion prevailed.

The yeas and nays being called for on the adoption of the first resolution, resulted as follows, (Mr. Saunders in the chair:)

Messrs. Benjamin, Brazeale, Brent, Carriere, Cénas, Domns, Dunn, Humble, Hynson, Ledoux, McCallop, McRae, Marigny,

Mayo, Peets, Porter, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Taylor of Assumption, Waddill and Wederstrandt voted in the affirmative—25 yeas; and

Messrs. Aubert, Beatty, Bourg, Briant, Burton, Chambliss, Cade, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Garrett, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Porche, Pugh, Roman, St. Amand, Sellers, Stephens, Trist, Voorhies, Wadsworth and Winchester voted in the negative—33 nays; the motion was therefore lost.

On motion of Mr. KENNER, the second resolution was rejected.

Mr. GARRETT submitted the following resolution, viz :

Resolved, That permission be given Mr. Hardinge to deliver lectures in this hall, on to-morrow evening.

On motion of Mr. WADSWORTH, said resolution was laid on the table indefinitely.

ORDER OF THE DAY.

Mr. Downs' substitute to the project of Mr. Benjamin, and amended by Mr. Beatty, viz :

Representation shall be equal and uniform in this State, and shall forever be regulated and ascertained by the number of qualified electors therein: and that each parish shall have at least one representative; and *provided further*, that no new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such parish would leave any other parish without the said extent of territory and number of electors.

In the year —, and every tenth year thereafter, a census shall be made of the population of this State, in such manner as shall be prescribed by law, for the purpose of ascertaining the number of qualified voters in each parish.

At the first regular session of the legislature, after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the qualified voters as aforesaid, and in the manner following, viz: Some number shall be chosen as a representative number, which, when applied in making the appor-

tionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population; and to one additional member for every fraction exceeding the one-half of the divisor; and any parish having a number of qualified voters less than the whole divisor, but exceeding one-half of it, shall be entitled to one representative; and the legislature shall be incompetent to act on any other subject matter till the apportionment directed by this article shall have been made.

That part of the parish of Orleans situated on the left bank of the Mississippi river, shall be divided into eight representative districts, as follows, viz:

1st. First district—To extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district—To extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, and thence down said canal to the lake.

3d. Third district—To comprise the residue of the second municipality.

4th. Fourth district—To extend from the middle of Canal street to the middle of St. Louis street, until it shall reach the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district—To extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the Bayou St. John, thence along the middle of said Bayou until it intersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district—To be composed of the residue of the first municipality.

7th. Seventh district—To be composed of all that portion of the third municipality above the Pontchartrain rail road.

8th. Eighth district—To be composed of all that part of the third municipality below the Pontchartrain rail road.

Until the first enumeration shall be made as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows: eight by the first municipality, eight by the se-

cond municipality, three by the third municipality, and one by that part of the parish on the right bank of the Mississippi.

The parish of Plaquemines,	2
“ St. Bernard,	1
“ Jefferson,	3
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	2
“ Lafourche Interior,	3
“ Terrebonne,	2
“ Iberville,	2
“ West Baton Rouge,	1
“ East, do	3
“ West Feliciana,	2
“ East, do	3
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupée,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	3
“ Vermillion,	1
“ Lafayette,	2
“ St. Landry,	5
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	3
“ Natchitoches,	3
“ Sabine,	2
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	2
“ Claiborne,	2
“ Bossier,	1

Total, 97

The Convention, at the adjournment on yesterday, had under consideration the apportionment of representation of the following parishes as follows, viz:

The parish of Sabine,	2
“ Caddo,	1
“ De Soto,	1

Parish of Ouachita,	1
“ Morehouse,	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	2
“ Claiborne,	2
“ Bossier,	1

On motion, the representation of the parish of Sabine was fixed at two representatives.

On motion, the representation of the parish of Caddo was fixed at one representative.

On motion, the representation of the parish of De Soto was fixed at one representative.

On motion, the representation of the parish of Ouachita was fixed at one representative.

On motion, the representation of the parish of Morehouse was fixed at one representative.

On the motion to fix the representation of the parish of Union at one representative,

Mr. GARRETT moved to amend the same by inserting “two” instead of “one,” and called for the yeas and nays. (Mr. Saunders in the chair.)

Messrs. *Downs, Garrett, Humble* and *McCallop*, voted in the affirmative—4 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Burton, Cade, Carriere, Cenas, Chambliss, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dunn, Garcia, Guion, Hudspeth, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, Peets, Porche, Porter, Prudhomme, Pugh, Read, Roman, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt* and *Winchester* voted in the negative—54 nays; consequently the motion was lost, and the representation of the said parish of Union was fixed at one representative.

On motion of Mr. VOORHIES the vote given on yesterday on the reconsideration of the representation of the parish of Plaquemines was reconsidered.

Mr. VOORHIES then moved to amend said representation by inserting “three” instead

of “two” representatives, and the yeas and nays being called for, (Mr. Saunders in the chair,)

Messrs. *Brazeale, Brent, Briant, Burton, Carriere, Chambliss, Culbertson, Derbes, Downs, Humble, Hynson, Ledoux, Leonard, McCallop, McRae, Marigny, Mayo, Peets, Porche, Porter, Prudhomme, Pugh, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Taylor of Assumption, Trist, Voorhies, Waddill, Wadsworth* and *Wederstrandt* voted in the affirmative—33 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Cade, Cenas Claiborne, Conrad of New Orleans, Conrad of Jefferson, Dunn, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Roman, St. Amand, Sellers, Stephens* and *Winchester* voted in the negative—25 nays; the said motion was adopted, and the representation of the parish of Plaquemines was fixed at three representatives.

Mr. LEWIS moved to reconsider the vote given on yesterday on the representation of the parishes of Rapides, Natchitoches and Assumption.

Mr. KENNER moved for a division—that is, the reconsideration of each parish be acted on separately, which motion prevailed.

Mr. BRAZEALE then moved for the reconsideration of the parish of Natchitoches, and the yeas and nays being called for,

Messrs. *Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Humble, Hynson, McCallop, McRae, Mayo, Peets, Porche, Porter, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Voorhies, Waddill, Wadsworth* and *Wederstrandt* voted in the affirmative—27 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Pugh, Roman, St. Amand, Saunders, Sellers, Taylor of Assumption, Winchester* and *Winder* voted in the negative—31 nays; consequently said motion was lost.

Mr. BRENT moved to reconsider the vote on the representation of Rapides, and called for the yeas and nays.

Messrs. Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Humble, Hynson, McCallop, McRae, Mayo, Peets, Porche, Porter, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Voorhies, Waddill, Wadsworth and Wederstrandt, voted in the affirmative—27 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Pugh, Roman, St. Amand, Saunders, Sellers, Taylor of Assumption, Winchester and Winder voted in the negative—31 nays; consequently the motion was lost.

Mr. TAYLOR of Assumption, then moved to reconsider the vote on the representation of the parish of Assumption, and the yeas and nays being called for,

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Carriere, Cenas, Claiborne, Conrad of New Orleans, Culbertson, Derbes, Dunn, Garcia, Guion, Kenner, Labauve, Ledoux, Legendre, Lewis, McCallop, Marigny, Mazureau, Pugh, Roman, St. Amand, Scott of Baton Rouge, Splane, Taylor of Assumption, Wadsworth, Wederstrandt, Winchester and Winder voted in the affirmative—32 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Chambliss, Conrad of Jefferson, Covillion, Downs, Garrett, Hudspeth, Humble, Hynson, King, McRae, Mayo, Peets, Porche, Porter, Prudhomme, Read, Saunders, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Voorhies, and Waddill, voted in the negative—27 nays; consequently the motion was carried.

Mr. TAYLOR of Assumption, moved to amend by inserting "three" instead of "two," and the yeas and nays being called for,

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Guion, Kenner, Labauve, Ledoux, Legendre, Lewis, McCallop, Marigny, Mazureau, Pugh, Roman, Roselius, St. Amand, Scott of Baton Rouge, Taylor of Assumption, Wadsworth, Winchester and Winder voted in the affirmative—31 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Garrett, Hudspeth, Humble, Hynson, King, McRae, Mayo, Peets, Porche, Porter, Prudhomme, Read, Saunders, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Voorhies, Waddill and Wederstrandt voted in the negative—28 nays; consequently said motion was carried, and the representation of the parish of Assumption was fixed at three representatives.

Mr. HUMBLE moved to reconsider the vote given on the adoption of the representation of the parish of St. Landry, and the yeas and nays being called for.

Messrs. Brazeale, Brent, Burton, Chambliss, Covillion, Downs, Humble, Hynson, McCallop, McRae, Mayo, Porche, Porter, Prudhomme, Scott of Baton Rouge, Scott of Madison, and Splane voted in the affirmative—17 yeas; and

Messrs. Aubert, Beatty, Benjamin, Briant, Cade, Carriere, Cenas, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, Peets, Pugh, Read, Roman, Roselius, St. Amand, Saunders, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Voorhies, Waddill, Wadsworth, Winchester and Wederstrandt voted in the negative—42 nays; consequently said motion was lost.

That part of the section in relation to the apportionment of the representation of the parish of Orleans, having been suspended on yesterday, was called up, viz:

The parish of Orleans shall be entitled to twenty representatives, to be elected as follows: Eight by the first municipality; eight by the second municipality; three by the third municipality, and one by that part of the parish on the right bank of the Mississippi.

Mr. BRENT moved to amend the same by inserting "sixteen" instead of "twenty" representatives.

And pending the discussion on said motion,

Mr. DOWNS moved that the Convention adjourn till to-morrow, at 10 o'clock, a. m.; the yeas and nays being called for,

Messrs. Brent, Briant, Covillion, Culbertson, Downs, Eustis, Garcia, Humble, Hynson, King, Lewis, McCallop, McRae,

Marigny, Peets, Porche, Porter, Prudhomme, Read, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Splane, Stephens, Waddill, Wadsworth, Wederstrandt and Winder voted in the affirmative—30 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Brazeale, Burton, Cade, Carriere, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Dunn, Garrett, Guion, Hudspeth, Kenner, Legendre, Mayo, Mazureau, Preston, Pugh, Roman, St. Amand, Taylor of Assumption, Voorhies, and Winchester voted in the negative—28 nays; consequently the motion was carried, and the Convention adjourned till to-morrow, at 10 o'clock, a. m.

Note—Members absent, Messrs. Brumfield, O'Bryan, Prescott of St. Landry, Taylor of St. Landry, and Wikoff, absent on leave—Messrs. Prescott of Avoyelles and Penn, absent on account of illness—and Messrs. Boudousquie, Chinn, Ratliff, and Soulé, did not appear in their seats.

WEDNESDAY, March 19, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. HINTON opened the proceedings with prayer.

Mr. SOULE was excused for non-attendance on account of illness.

Mr. Ilsley, one of the reporters in English, was excused on account of illness, and Mr. Henderson permitted to act in his stead.

ORDER OF THE DAY.

The substitute of Mr. Downs to the project of Mr. Benjamin, and amended by Mr. Beatty, viz:

Representation shall be equal and uniform in this State, and shall forever be regulated and ascertained by the number of qualified voters therein, and that each parish shall have at least one representative; and *provided further*, that no new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

In the year —, and every tenth year thereafter, a census shall be made of the population of this State, in such manner as shall be prescribed by law, for the purpose

of ascertaining the number of qualified voters in each parish.

At the first regular session of the legislature after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of the qualified voters as aforesaid, and in the manner following, viz: some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to one additional member for every fraction exceeding the one half of the divisor; and any parish having a number of qualified voters less than the whole divisor but exceeding one half of it, shall be entitled to one representative, and the legislature shall be incompetent to act on any other subject matter until the apportionment directed by this article shall have been made.

That part of the parish of Orleans situated on the left bank of the Mississippi, shall be divided into eight representative districts, as follows, viz:

1st. First district—To extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district—To extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district—To comprise the residue of the second municipality.

4th. Fourth district—To extend from the middle of Canal street to the middle of St. Louis street, until it shall reach the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district—To extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the Bayou St. John, thence along the middle of said Bayou until it intersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district—To be composed of the residue of the first municipality.

7th. Seventh district—To be composed

of all that portion of the third municipality above the Pontchartrain rail road.

8th. Eighth district—To be composed of all that part of the third municipality below the Pontchartrain rail road.

Until the first enumeration shall be made, as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows: Eight by the first municipality; eight by the second municipality; three by the third municipality, and one by that part of the parish on the right bank of the Mississippi.

The Parish of Plaquemines,	3
“ St. Bernard,	1
“ Jefferson,	3
“ St. Charles,	1
“ St. John the Baptist,	1
“ St. James,	2
“ Ascension,	2
“ Assumption,	3
“ Lafourche Interior,	3
“ Terrebonne,	2
“ Iberville,	2
“ West Baton Rouge,	1
“ East do do	3
“ West Feliciana,	2
“ East do	3
“ St. Helena,	1
“ Livingston,	1
“ Washington,	1
“ St. Tammany,	1
“ Point Coupée,	1
“ Concordia,	1
“ Tensas,	1
“ Madison,	1
“ Carroll,	1
“ Franklin,	1
“ St. Mary,	2
“ St. Martin,	3
“ Vermillion,	1
“ Lafayette,	2
“ St. Landry,	5
“ Calcasieu,	1
“ Avoyelles,	2
“ Rapides,	3
“ Natchitoches,	3
“ Sabine,	2
“ Caddo,	1
“ De Soto,	1
“ Ouachita,	1
“ Morehouse	1
“ Union,	1
“ Jackson,	1
“ Caldwell,	1
“ Catahoula,	2

The parish of Claiborne,	2
“ Bossier,	1
Total,	98

The question under consideration at the adjournment was the motion of Mr. Brent, to reduce the representation of the city of New Orleans from twenty to sixteen members.

Mr. BRAZEALE moved to amend said motion as follows, viz: The first municipality shall be entitled to seven representatives; the second municipality shall be entitled to five representatives; the third municipality shall be entitled to three representatives, and that part of the parish on the right bank of the Mississippi shall be entitled to one representative; which amendment was accepted by Mr. Brent.

Mr. BENJAMIN moved to lay both amendments on the table indefinitely, and called for the yeas and nays, which resulted as follows, viz:

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Carriere, Cenas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Leonard, Lewis, Marigny, Mazureau, Preston, Pugh, Roman, Roselius, St. Amand, Saunders, Soule, Taylor of Assumption, Trist, Wadsworth, Winchester* and *Winder* voted in the affirmative—40 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, McCallop, McRae, Mayo, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt and Wikoff* voted in the negative—31 nays; consequently said motion was carried.

Mr. BRENT moved that before reference, the committee be instructed to district the representation of the parish of Orleans as follows, viz: eight representatives to the first municipality; five to the second municipality; three to the third municipality, and one to the right bank.

Mr. GRYMES moved for the previous question.

The PRESIDENT then put the question—

shall the main question be now put? the yeas and nays being called for, resulted as follows:

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Carriere, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, Preston, Pugh, Roman, Roselius, St. Amand, Saunders, Sellers, Soulé, Taylor of Assumption, Trist, Wadsworth, Winchester and Winder* voted in the affirmative—40 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, McCallop, McRae, Mayo, Peets, Porter, Porche, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt, and Wikoff* voted in the negative—30 nays; consequently said motion was carried.

Mr. GYRMES then moved for the adoption of the apportionment of the parish of Orleans, fixing the representation of the same at twenty representatives. The yeas and nays being called for, resulted as follows:

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Carriere, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, Preston, Pugh, Roman, Roselius, St. Amand, Saunders, Soulé, Taylor of Assumption, Trist, Wadsworth, Winchester, and Winder* voted in the affirmative—39 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, McCallop, McRae, Mayo, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt and Wikoff*, voted in the negative—31 nays; consequently said motion was carried, and the representation of the parish of Orleans fixed at twenty representatives.

On motion of Mr. BEATTY, the apportionment of the representation of the parish of Orleans, among the eight representative districts, was referred to the city delegation.

The PRESIDENT appointed Mr. Maigny chairman of said committee.

On motion, the Convention adjourned till to-morrow at 10 o'clock, a. m.

NOTE—Members absent: Messrs. Brumfield and O'Bryan, absent on leave; Mr. Penn, absent on account of illness in his family, and Messrs. Chinn and Ratliff did not appear in their seats.

THURSDAY, March 20, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings with prayer.

The secretary reported the receipt of the printers to the Convention, to Mr. Robt. L. Kerr, the reporter in English, for the reports of the debates to the 15th inst.

Mr. CENAS, a member of the committee composed of the delegation of New Orleans, to whom was referred the apportionment among the three municipalities of the representatives allotted to the same, reported as follows, viz:

The committee composed of the delegation of New Orleans, to whom was referred the apportionment among the three municipalities of the representatives allotted to the same, report, viz: that they have apportioned the said representation among the said municipalities as follows, by allotting to the

First Municipality,	eight	representatives.
Second do.	seven	do.
Third do.	four	do.

Which they have distributed among the eight representative or election districts, into which the three municipalities have been subdivided as follows, by allotting to the

1st district, two representatives.

2d " two "

3d " three "

4th " three "

5th " three "

6th " two "

7th " two "

8th " two "

Mr. WINCHESTER moved to lay said re-

port on the table, subject to call, which motion was lost.

On motion of Mr. BRENT, said report was adopted.

Mr. RATLIFF, chairman of the committee on contingent expenses, offered the following resolution, and the same was adopted, viz:

Resolved, that the committee on contingent expenses, be authorized to pay James Carpenter, sergeant at arms, the sum of thirty-four dollars, in compensation for the hire of Leon, f. m. c. thirty-four days, to assist in cleaning the Convention hall, and waiting upon the Convention, &c.

ORDER OF THE DAY.

Substitute of Mr. Downs to the project of Mr. Benjamin, and amended by Mr. Beatty.

SEC. 6. Representation shall be equal and uniform in this State, and shall forever be regulated and ascertained by the number of qualified electors therein: *Provided*, that each parish shall have at least one representative; and provided further, that no parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such parish would leave any other parish without the said extent of territory and number of electors.

In the year and every tenth year thereafter, a census shall be made of the population of this State, in such manner as shall be prescribed by law, for the purpose of ascertaining the number of qualified electors in each parish.

At the first regular session of the legislature after the making of each census, the legislature shall apportion the representation amongst the several parishes, on the basis of the qualified electors as aforesaid, and in the manner following, viz: some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to

one additional member for every fraction exceeding the one half of the divisor, and any parish having a number of qualified electors less than the whole divisor, but exceeding one half of it, shall be entitled to one representative, and the legislature shall be incompetent to act on any other subject matter until the apportionment directed by this article shall have been made.

That part of the parish of Orleans, situated on the left bank of the Mississippi, shall be divided into eight representative districts, as follows, viz:

1st. First district—To extend from the line of the parish of Jefferson, to the middle of Benjamin, Estelle, and Thalia streets.

2d. Second district—To extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district—To comprise the residue of the second municipality.

4th. Fourth district—To extend from the middle of Canal street to the middle of St. Louis street, until it shall reach the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district—To extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the bayou St. John, thence along the middle of said bayou, until it intersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district—To be composed of the residue of the first municipality.

7th. Seventh district—To be composed of all that portion of the third municipality, above the Pontchartrain rail road.

8th. Eighth district—To be composed of all that part of the third municipality, below the Pontchartrain rail road.

Until the first enumeration shall be made, as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows:

Eight by the first municipality, seven by the second municipality, four by the third municipality; to be divided among the eight representative or election districts, into which the three municipalities have

been subdivided, as follows, by allotting to the

1st district, two representatives.

2d	"	two	"
3d	"	three	"
4th	"	three	"
5th	"	three	"
6th	"	two	"
7th	"	two	"
8th	"	two	"

And one by that part of the parish on the right bank of the Mississippi.

The Parish of Plaquemines,	3
" St. Bernard,	1
" Jefferson,	3
" St. Charles,	1
" St. John the Baptist,	1
" St. James,	2
" Ascension,	2
" Assumption,	3
" Lafourche Interior,	3
" Terrebonne,	2
" Iberville,	2
" West, Baton Rouge,	1
" East "	3
" West Feliciana,	2
" East "	3
" St. Helena,	1
" Livingston,	1
" Washington,	1
" St. Tammany,	1
" Point Coupee,	1
" Concordia,	1
" Tensas,	1
" Madison,	1
" Carroll,	1
" Franklin,	1
" St. Mary,	2
" St. Martin,	3
" Vermillion,	1
" Lafayette,	2
" St. Landry,	5
" Calcasieu,	1
" Avoyelles,	2
" Rapides,	3
" Natchitoches,	3
" Sabine,	2
" Caddo,	1
" De Soto,	1
" Ouachita	1
" Morehouse,	1
" Union,	1
" Jackson,	1
" Caldwell,	1
" Catahoula,	2
" Claiborne,	2

The parish of Bossier,

1

Total, 98

On motion of Mr. CLAIBORNE, the vote on the adoption of the sub-division of the city of New Orleans into eight representative districts, was re-considered, and the same divided into nine election or representative districts.

Mr. CLAIBORNE then offered the following amendment, which was adopted, viz:

"Seventh district, from the middle of Esplanade street to the middle of Champs Elysees street.

"Eighth district, from the middle of Champs Elysees street to the middle of Enghein street and Lafayette avenue.

"Ninth district, from the middle of Engheim street and Lafayette avenue, to the lower limits of the parish."

Mr. VOORHIES moved to fill the blank in said section with the year "1851," which motion was lost.

Mr. LEWIS moved to fill the blank with "1850," which motion was lost.

Mr. BENJAMIN moved to insert, in lieu of the blank, the following words, viz: "the first census to be taken by the State authorities under this constitution, shall be taken in the year 1847; the second in the year 1855; and the subsequent enumerations shall be made every tenth year thereafter." Which motion was adopted.

Mr. DUNN offered the following proviso, viz:

"*Provided*, That at all future apportionments to be made by the legislature, under this constitution, every parish having a population of five thousand inhabitants (including slaves) shall always be entitled to two representatives; and a population of ten thousand inhabitants, three representatives."

Mr. VOORHIES moved that said proviso be laid on the table indefinitely; and the yeas and nays being called for, resulted as follows:

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Briant, Burton, Cade, Carriere, Cenas, Chambliss, Claiborne, Covillion, Culbertson, Derbes, Downs, Grymes, Humble, Hynson, Kenner, King, Labauve, Legendre, Leonard, Lewis, McCallop, McRae, Mayo, Mazureau, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Read, Roman,

Roselius, Saunders, Scott of Baton Rouge, *Scott* of Madison, *Soulé, Splane, Stephens, Taylor* of Assumption, *Taylor* of St. Landry, *Voorhies, Waddill, Wederstrandt* and *Wikoff* voted in the affirmative—51 yeas; and

Messrs. *Aubert, Dunn, Hudspeth, Porche, Pugh, St. Amand, Sellers* and *Winchester* voted in the negative—8 nays; consequently said motion was carried.

Mr. SELLERS gave notice that he would, on a future day, move to reconsider the vote rejecting the proviso, fixing the maximum of any city or parish at twenty representatives.

Mr. BRAZEALE gave notice that he would, on a future day, move to reconsider the vote fixing the representation of Natchitoches at three representatives.

Mr. O'BRYAN moved for a dispensation of the rule; which motion was lost.

Mr. DUNN gave notice that he will move the reconsideration of the vote fixing the representation of the parish of Plaquemines at three representatives.

Mr. GARCIA gave notice that he will move to reconsider the vote fixing the apportionment of the parish of St. John the Baptist.

Mr. MARIGNY gave notice that he will move the reconsideration of the vote fixing the apportionment of the parish of Point Coupée.

Mr. VOORHIES then moved for the adoption of the section as amended, viz:

ARTICLE SECOND—LEGISLATIVE DEPARTMENT.

SEC. 6. Representation shall be equal and uniform in this State, and shall forever be regulated and ascertained by the number of qualified electors therein; *provided*, that each parish shall have at least one representative; and *provided further*, that no new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

The first census to be taken by the State authorities under this constitution shall be taken in the year 1847, the second in the year 1855, and the subsequent enumerations shall be made every tenth

year thereafter, in such manner as shall be prescribed by law, for the purpose of ascertaining the number of qualified electors in each parish.

At the first regular session of the legislature after the making of each census, the legislature shall apportion the representation amongst the several parishes, on the basis of qualified electors as aforesaid, and in the manner following, viz:

“Some number shall be chosen as a representative number, which, when applied in making the apportionment, shall give a number of representatives not less than seventy, nor more than one hundred; the number so chosen shall be taken as a divisor, and each parish shall be entitled to one representative for every time this divisor shall be found in the dividend formed of its representative population, and to one additional member for every fraction exceeding the one-half of the divisor; and any parish having a number of qualified electors less than the whole divisor shall be entitled to one representative; and the legislature shall be incompetent to act on any other subject matter until the apportionment, directed by this article, shall have been made.

That part of the parish of Orleans situated on the left bank of the Mississippi shall be divided into nine representative districts, as follows, viz:

1st. First district—To extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district—To extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district—To comprise the residue of the second municipality.

4th. Fourth district—To extend from the middle of Canal street to the middle of St. Louis street, until it shall reach the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district—To extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the bayou St. John, thence along the middle of said bayou until it intersects the Metairie road, thence along said road until it reaches St. Louis street,

6th. Sixth district—To be composed of the residue of the first municipality.

7th. Seventh district—From the middle of Esplanade street to the middle of Champs Elysees street.

8th. Eighth district—From the middle of Champs Elysees street to the middle of Engheim street and Lafayette avenue.

9th. Ninth district—From the middle of Engheim street and Lafayette avenue to the lower limits of the parish.

Until the first enumeration shall be made, as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows, viz:

Eight by the first municipality; seven by the second municipality; and four by the third municipality; to be distributed among the nine representative districts as follows: By allotting to the

First district, two representatives.

Second district, two representatives.

Third district, three representatives.

Fourth district, three representatives.

Fifth district, three representatives.

Sixth district, two representatives.

Seventh district, two representatives.

Eighth district, one representative.

Ninth district, one representative.

And one by that part of the parish on the right bank of the Mississippi.

The parish of Plaquemines,	3
" St. Bernard,	1
" Jefferson,	3
" St. Charles,	1
" St. John the Baptist,	1
" St. James,	2
" Ascension,	2
" Assumption,	3
" Lafourche Interior,	3
" Terrebonne,	2
" Iberville,	2
" West Baton Rouge,	1
" East Baton Rouge,	3
" West Feliciana,	2
" East "	3
" St. Helena,	1
" Washington,	1
" Livingston,	1
" St. Tammany,	1
" Point Coupée,	1
" Concordia,	1
" Tensas,	1
" Madison,	1
" Carroll,	1

The parish of Franklin,	1
" St. Mary,	2
" St. Martin,	3
" Vermillion,	1
" Lafayette,	2
" St. Landry,	5
" Calcasieu,	1
" Avoyelles,	2
" Rapides,	3
" Natchitoches,	3
" Sabine,	2
" Caddo,	1
" De Soto,	1
" Ouachita,	1
" Morehouse,	1
" Union,	1
" Jackson,	1
" Caldwell,	1
" Catahoula,	2
" Claiborne,	2
" Bossier,	1

Total, 98

On motion to adopt the above section as amended, the yeas and nays being called for, resulted as follows :

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Burton, Cade, Cénas, Chambliss, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Garrett, Guion, Hudspeth, Humble, Hynson, King, Labauve, Ledoux, Lewis, McCallop, McRae, Mayo, Mazureau, O'Bryan, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soule, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, Wederstrandt and Winder*, voted in the affirmative—50 yeas; and

Messrs. *Boudousquie, Claiborne, Dunn, Kenner, Legendre, Marigny, Porter, Roman, Saunders, Sellers, Taylor of St. Landry, and Wikoff*, voted in the negative—12 nays, consequently the same was adopted.

On motion of Mr. Downs, the Convention took up the 10th section of the report of the majority on the legislative department, and the report of the minority offered by Mr. Downs as a substitute to the said 10th section, both of which had been laid on the table, subject to call, viz :

Section 10th of the majority report.

The State shall be divided into eight sen-

atorial districts, each of which shall elect four senators, to be voted for by persons entitled to vote for representatives, as follows :

All that portion of the parish of Orleans lying on the east side of the Mississippi river shall compose the first district.

The parishes of Plaquemines, St. Bernard and the remainder of the parish of Orleans, parish of Jefferson, St Charles and St. John the Baptist, shall compose the second district.

The parishes of St. James, Ascension, Assumption, Lafourche Interior and Terrebonne, shall compose the third district.

The parishes of Iberville, West Baton Rouge, East Baton Rouge, Point Coupée and Avoyelles, shall compose the fourth district.

The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena and Livingston, shall compose the fifth district.

The parishes of Concordia, Carroll, Madson, Ouachita, Union, Franklin, Tensas, Morehouse, Catahula and Caldwell, shall compose the sixth district.

The parishes of Rapides, Natchitoches, Caddo, Calcasieu, Claiborne, Sabine, Bossier and De Soto, shall compose the seventh district.

The parishes of St. Mary, St. Martin, St. Landry, Lafayette and Vermillion, shall compose the eighth district.

Provided, that the legislature shall have the power in any year in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators.

Report of the minority offered by Mr. Downs as a substitute for the foregoing 10th section, viz :

“The senate shall consist of thirty-two members, to be elected for four years, by the voters qualified to vote for representatives, and at the same; one half every two years, and the apportionment of senators shall be made as follows :

The parishes of Plaquemines and St. Bernard, and that portion of the parish of Orleans on the right bank of the Mississippi river shall have one senator. 1

The parish of Orleans—
For first municipality, 2
Second do, 1

Third municipality,	1
The parish of Jefferson,	1
“ St. John the Baptist and St. Charles,	1
“ St. James,	1
“ Ascension and Assumption,	1
“ Lafourche and Terrebonne,	2
“ Iberville and West Baton Rouge,	1
“ East “ “	1
“ West Feliciana,	1
“ East Feliciana,	1
“ St. Helena and Livingston,	1
“ Washington and St. Tammany,	1
“ Point Coupée,	1
“ Concordia and Tensas,	1
“ Carroll and Madison,	1
“ Catahoula and Franklin,	1
“ St. Mary and St. Martin,	1
“ Lafayette and Vermillion,	1
“ St. Landry,	1
“ Sabine and Calcasieu,	1
“ Avoyelles,	1
“ Rapides,	1
“ Natchitoches,	1
“ Caddo and De Soto,	1
“ Claiborne and Bossier,	1
“ Ouachita and Caldwell,	1
“ Union, Morehouse and Jackson,	1

Total 32

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.

Mr. GUION submitted the following substitute, viz :

The senate shall consist of thirt-two members, to be elected for four years, by persons qualified to vote for representatives,

and the apportionment of senators shall be as follows, viz :

The parishes of Plaquemines, St. Bernard and Jefferson, together with that portion of the parish of Orleans, on the right bank of the Mississippi river, shall constitute the 1st district, with three senators.

All that portion of the parish of Orleans, lying on the left side of the river, shall constitute the 2d district, with four senators.

The parishes of St. Charles and St. John the Baptist, shall constitute the 3d district, with one senator.

The parishes of St. James and Ascension, shall constitute the 4th district, with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne, shall constitute the 5th district, with two senators.

The parishes of Iberville, West Baton Rouge and Point Coupée, shall constitute the 6th district, with two senators.

The parishes of West Feliciana and East Feliciana, shall constitute the 7th district, with two senators.

The parish of East Baton Rouge shall constitute the 8th district, with one senator.

The parishes of Washington, St. Tammany, St. Helena and Livingston, shall constitute the 9th district, with two senators.

The parishes of Concordia and Texas, shall constitute the 10th district, with one senator.

The parishes of Madison and Carroll, shall constitute the 11th district, with one senator.

The parishes of Avoyelles and Rapides, shall constitute the 12th district, with two senators.

The parishes of Catahoula, Caldwell and Franklin, shall constitute the 13th district, with one senator.

The parishes of Ouachita, Union, Morehouse and Jackson, shall constitute the 14th district, with one senator.

The parishes of Natchitoches, Caddo, Sabine, De Soto and Claiborne, shall constitute the 15th district, with three senators.

The parishes of St. Landry and Calcasieu, shall constitute the sixteenth district, with two senators.

The parishes of St. Martin, St. Mary, Lafayette and Vermillion, shall constitute the seventeenth district, with two senators.

On motion of Mr. GUION, the above substitute was ordered to be printed, and the matter under consideration was postponed until the said substitute be printed.

Mr. DOWNS moved to reconsider the vote given to postpone the subject under consideration, which was lost.

On motion of Mr. BENJAMIN, the Convention then took up the report of the committee on the fifth article, concerning impeachment, viz :

SEC. 1. The power of impeachment shall be invested in the house of representatives alone.

SEC. 2. All impeachments shall be tried by the senate and chief justice of the supreme court, unless he is interested, in which case, the senior associate judge of said court shall preside. When sitting for that purpose, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present.

SEC. 3. The governor and all the civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend farther than to removal from office, and disqualification from holding any office of honor, trust, or profit under this State; but the parties convicted shall, nevertheless, be liable and subject to indictment, trial and punishment, according to law.

Mr. MAYO offered the following amendment, viz :

The power of impeachment for all officers except clerks of courts, justices of the peace, sheriffs, coroners, and all other parish officers, shall be vested in the House of Representatives alone.

Mr. CONRAD, of New Orleans, submitted the following substitute, and the same was ordered to be printed, viz :

Impeachments of the governor, lieutenant governor or secretary of state, shall be tried by the senate and the chief justice of the supreme court, who, in such cases, shall preside.

Impeachments of the judges of the supreme court shall be tried by the senate.

Impeachments of all inferior judges and clerks of courts shall be tried by the supreme court.

All other impeachments shall be tried by a committee of not less than members of the senate, presided by the presi-

ding judge of the supreme court for the time being.

Mr. BENJAMIN moved that the Convention adjourn till Monday next, at ten o'clock A. M. The yeas and nays being called for—

Messrs. *Aubert, Beatty, Boudousquie, Briant, Cenas, Claiborne, Conrad of Jefferson, Culbertson, Derbes, Downs, Eustis, Garcia, Guion, Kenner, Legendre, Marigny, Mazureau, Read, Roman, Roselius, St. Amand, Scott of Baton Rouge, Stephens, Wederstrandt, Winchester and Winder* voted in favor of the adjournment—27 yeas;

Messrs. *Brazeale, Brent, Burton, Cadé, Chambliss, Conrad of Orleans, Covillion, Dunn, Hudspeth, Humble, Hynson, King, Lewis, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ralliff, Scott of Feliciana, Sellers, Taylor of Assumption, Voorhies, Waddill and Wikoff* voted in the negative—27 nays.

The vote being equally divided, the president voted in the affirmative, consequently the motion was carried, and the Convention adjourned until Monday next at ten o'clock a. m.

NOTE.—Members absent: Mr. Brumfield on leave; Mr. Penn on account of illness in his family; and Messrs. Chinn, Trist and Wadsworth did not appear in their seats.

MONDAY, March 24, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEPHENS opened the proceedings with prayer.

On motion, leave of absence was granted Messrs. Carrieré, Wederstrandt, and Porche.

On motion, Messrs. Leonard and Trist were excused for non-attendance, on account of illness.

Mr. Ilsley, one of the reporters in English, having been summoned to appear before the criminal court as a witness, was excused, and Mr. Henderson permitted to act in his stead.

Messrs. Ilsley and Kerr submitted to the secretary the receipts of the printers to the Convention, for the reports of the debates of the Convention of the 18th, 19th and 20th instant.

Mr. BEATTY gave notice that he would on Thursday next, move to reconsider the vote given on that part of the sixth section of the legislative department, fixing the basis of apportionment.

Mr. WADSWORTH submitted an application from the printers of the English reports of the Convention; the same was referred to the committee on contingent expenses.

ORDER OF THE DAY.

Article 5th of the Constitution, concerning impeachment, being under consideration at the last adjournment, was called up, viz:

SEC. 1. The power of impeachment shall be vested in the house of representatives alone.

SEC. 2. All impeachments shall be tried by the senate and the chief justice of the supreme court, unless he is interested, in which case the senior associate judge of said court shall preside. When sitting for that purpose, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present.

SEC. 3. The governor and all the civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under this State, but the parties convicted shall nevertheless be liable and subject to indictment, trial and punishment, according to law.

At the last adjournment, the Convention had under discussion the amendment offered to the first section by Mr. Mayo, viz:

“The power of impeachment for all officers, except clerks of courts, justices of the peace, sheriffs, coroners, and all other parish officers, shall be vested in the house of representatives alone.”

Mr. Downs moved that the motion under consideration be postponed, and that the Convention take up the legislative department, dividing the State into senatorial districts. The yeas and nays being called for,

Messrs. *Brazeale, Brent, Burton, Cade, Cenas, Chambliss, Covillion, Downs, Hudspeth, Humble, Hynson, Lewis, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott*

of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Splane*, *Stephens*, *Voorhies*, *Waddill* and *Wikoff* voted in the affirmative—27 yeas; and

Messrs. *Aubert*, *Beatty*, *Benjamin*, *Boudousquie*, *Bourg*, *Briant*, *Brumfield*, *Claiborne*, *Conrad* of Jefferson, *Culbertson*, *Derbes*, *Garrett*, *Kenner*, *King*, *Labauve*, *Ledoux*, *Legendre*, *McCallop*, *Marigny*, *Mazureau*, *Roman*, *Sellers*, *Soulè*, *Taylor* of Assumption, *Taylor* of St. Landry and *Wadsworth* voted in the negative—26 nays.

The PRESIDENT having been called upon to vote, said, that as the subject was important and the house thin, he would vote in the negative, which making the vote equal, consequently the motion was lost.

On motion of Mr. SOULE, the amendment of Mr. Mayo was laid on the table, subject to call.

Mr. VOORHIES moved to amend the first section, by adding at the end of the same the following words, viz: "Subject to modifications hereinafter made;" which motion was lost.

On motion of Mr. DOWNS, the first section, as reported, was adopted, viz:

"The power of impeachment shall be vested in the house of representatives alone."

Mr. BENJAMIN then offered as a substitute to the first paragraph of the second section, the substitute offered by Mr. Conrad of New Orleans, at the last adjournment, viz:

Impeachments of the governor, lieutenant governor and secretary of State, shall be tried by the senate and the chief justice of the supreme court, who, in such cases, shall preside.

Impeachments of the judges of the supreme court, shall be tried by the senate.

Impeachments of all inferior judges, and clerks of courts, shall be tried by the supreme court.

All other impeachments shall be tried by a committee of not less than members of the senate, presided by the presiding judge of the supreme court for the time being.

Mr. DOWNS moved to amend said substitute by inserting after the word "State," in the second line, the words "attorney general, state treasurer, judges of the criminal court, and judges next in jurisdiction

to the supreme court;" which amendment was adopted.

Mr. DOWNS moved to amend said substitute by inserting after the word "court," in the fourth line, the words "or the senior associate judge of said court," which amendment was adopted.

Mr. BEATTY then moved to strike out the remainder of the said substitute, commencing at the ninth line, and insert in lieu thereof the following, viz:

"The legislature shall provide by law for the trial and removal from office of all other officers of this State, by indictment, or otherwise."

Mr. DOWNS moved to amend said amendment by inserting after the word "trial," the word "punishment;" which amendment was accepted by Mr. Beatty.

On motion of Mr. DOWNS, the words "for that purpose," in the first line of the second paragraph, were stricken out, and the words "as a court of impeachment" inserted in lieu thereof.

On motion, the second section was adopted as amended, viz:

SEC. 2. Impeachment of the governor, lieutenant governor, attorney general, secretary of state, state treasurer, judges of the criminal court, and judges next in jurisdiction to the supreme court, shall be tried by the senate and the chief justice of the supreme court, or the senior associate judge of said court, who shall preside in such cases.

Impeachments of the judges of the supreme court shall be tried by the senate.

The legislature shall provide by law for the trial, punishment, and removal from office of all other officers of the State, by indictment, or otherwise.

When sitting as a court of impeachment, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present.

Mr. DOWNS then moved to amend the third section, by striking out the words, "the governor and all civil officers shall be liable to impeachment for any misdemeanor in office, but," and insert after the word "judgment," the words "in cases of impeachment;" which amendment was adopted.

Mr. CENAS offered the following amendment, viz:

All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of their functions during the pendency and trial of such impeachment.

Mr. BENJAMIN moved to amend said amendment, by adding the following proviso, viz :

“ Provided that the appointing power may make a provisional appointment of an officer to replace the suspended officer until the decision shall be made on the impeachment; which proviso was accepted by Mr. Cenas, and the amendment as amended by the proviso was adopted.

On motion, the said third section as amended was adopted, viz :

SEC. 3. Judgments in cases of impeachment shall not extend further than to removal from office and disqualification to holding any office of honor, trust or profit under this State; but the parties convicted shall nevertheless be liable and subject to indictment, trial and punishment, according to law.

All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency and trial of such impeachment : *Provided*, that the appointing power may make a provisional appointment of an officer to replace the suspended officer, until the decision shall be made on the impeachment.”

On motion of Mr. DOWNS, the article 5th, as amended, was adopted, viz :

SEC. 1. The power of impeachment shall be vested in the house of representatives alone.

SEC. 2. Impeachment of the governor, lieutenant governor, attorney general, secretary of state, state treasurer, judge of the criminal court, and judges next in jurisdiction to the supreme court, shall be tried by the senate and the chief justice of the supreme court, or the senior associate judge of said court, who shall preside in such cases.

Impeachment of the judges of the supreme court shall be tried by the senate.

The legislature shall provide by law for the trial punishment and removal from office of all other officers of the State, by indictment, or otherwise.

When sitting as a court of impeachment the senators shall be upon oath or affirma-

tion, and no person shall be convicted without the concurrence of two-thirds of the senators present.

SEC. 3. Judgments in cases of impeachment shall not extend further than to removal from office and disqualification to holding any office of honor, trust or profit under this State; but the parties convicted shall, nevertheless be liable to indictment, trial and punishment, according to law.

All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency and trial of such impeachment; *Provided*, that the appointing power may make a provisional appointment of an officer to replace the suspended officer until the decision shall be made on the impeachment.

On motion of Mr. DOWNS, the Convention then took up the 10th section of the report of the majority on the legislative department, together with the two substitutes offered to the same by Messrs. Downs and Guion, all of which had been postponed to make room for the 5th article, concerning impeachment.

Section tenth of the report of the majority, viz :

The State shall be divided into eight senatorial districts, each of which shall elect four senators, to be voted for by persons entitled to vote for representatives, as follows :

All that portion of the parish of Orleans, lying on the east side of the Mississippi river, shall comprise the first district.

The parishes of Plaquemines, St. Bernard and the remainder of the parish of Orleans, parish of Jefferson, St. Charles and St. John the Baptist, shall compose the second district.

The parishes of St. James, Ascension, Assumption, Lafourche Interior and Terrebonne, shall compose the third district.

The parishes of Iberville, West Baton Rouge, East Baton Rouge, Point Coupée and Avoyelles, shall compose the fourth district.

The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena and Livingston, shall compose the fifth district.

The parishes of Concordia, Carroll, Madison, Ouachita, Union, Franklin, Ten-

sas, Morehouse, Catahoula and Caldwell, shall compose the sixth district.

The parishes of Rapides, Natchitoches, Caddo, Calcasieu, Claiborne, Sabine, Bossier and De Soto, shall compose the seventh district.

The parishes of St. Mary, St. Martin, St. Landry, Lafayette and Vermillion, shall compose the eighth district.

Provided, That the legislature shall have the power, in any year in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators.

Report of the minority, and offered by Mr. Downs, as a substitute for the foregoing tenth section, viz :

The Senate shall consist of thirty-two members, to be elected for four years, by the voters qualified to vote for representatives, and at the same time, one-half every two years; and the apportionment of senators shall be made as follows :

The parishes of Plaquemines, St. Bernard, and that portion of the parish of Orleans on the right bank of the river, shall be one senator— 1

The parish of Orleans—

First municipality, 2

Second do, 1

Third do, 1

The parish of Jefferson, 1

“ St. John the Baptist and St. Charles, } 1

“ St. James, 1

“ Ascension and Assumption, } 1

“ Lafourche Interior and Terrebonne } 2

“ Iberville and West Baton Rouge, } 1

“ East Baton Rouge, 1

“ West Feliciana, 1

“ East Feliciana, 1

“ St. Helena and Livingston, } 1

“ Washington and St. Tammany, } 1

“ Pointe Coupée, 1

“ Concordia and Tensas, } 1

“ Carroll and Madison, } 1

“ Catahoula and Franklin, } 1

The Parish of St. Mary and	}	1
St. Martin,	}	
“ Lafayette and	}	1
Vermillion,	}	
“ St. Landry,		
“ Sabine and	}	1
Calcasieu,	}	
“ Avoyelles,		1
“ Rapides,		1
“ Natchitoches,		1
“ Caddo and De Soto,		1
“ Claiborne and	}	1
Bossier,	}	
“ Ouachita and	}	1
Caldwell,	}	
“ Union, Morehouse	}	1
and Jackson,	}	
Total,		32

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.

Mr. GUION offered the following substitute, to wit :

The senate shall consist of thirty-two members, to be elected for four years, by persons qualified to vote for representatives, and the apportionment of senators shall be as follows, to wit :

The parishes of Plaquemines, St. Bernard and Jefferson, together with that portion of the parish of Orleans on the right bank of the river Mississippi, shall constitute the first district, with three senators.

All that portion of the parish of Orleans lying on the left side of the river, shall constitute the second district, with four senators.

The parishes of St. Charles and St. John the Baptist, shall constitute the third district, with one senator.

The parishes of St. James and Ascension, shall constitute the fourth district with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne, shall constitute the fifth district, with two senators.

The parishes of Iberville, West Baton Rouge and Point Coupée, shall constitute the sixth district, with two senators.

The parishes of West Feliciana and East Feliciana, shall constitute the seventh district, with two senators.

The parish of East Baton Rouge shall constitute the eighth district, with one senator.

The parishes of Washington, St. Tammany, St. Helena and Livingston, shall constitute the 9th district, with two senators.

The parishes of Concordia and Tensas, shall constitute the 10th district, with one senator.

The parishes of Madison and Carroll, shall constitute the 11th district, with one senator.

The parishes of Avoyelles and Rapides, shall constitute the 12th district, with two senators.

The Parishes, of Catahoula, Caldwell and Franklin, shall constitute the 13th district, with one senator.

The Parishes of Ouachita, Union, Morehouse and Jackson, shall constitute the 14th district, with one senator.

The parishes of Natchitoches, Caddo, Sabine, De Soto and Claiborne, shall constitute the 15th district, with three senators.

The parishes of St. Landry and Calcasieu, shall constitute the 16th district, with two senators.

The parishes of St. Martin, St. Mary, Lafayette and Vermillion, shall constitute the 17th district, with two senators.

Mr. BEATTY moved to strike out from the majority report, the word "eight."

Mr. CONRAD of New Orleans, moved that the Convention adjourn till to-morrow, at 10 o'clock, a. m., and the yeas and nays being called for,

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Briant, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Garcia, Kenner, Legendre, Ledoux, Lewis, Marigny, Mazureau, Roman, Roselius, Taylor of Assumption, and Taylor of St. Landry* voted in the affirmative—22 yeas; and

Messrs. *Bourg, Brazeale, Brent, Brumfield, Cade, Chambliss, Covillion, Downs, Dunn, Garrett, Hudspeth, Humble, Hynson, King, McCallop O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Rattiff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Voorhies, Waddill and Wikoff* voted in the

negative—34 nays; consequently said motion was lost.

And pending the discussion on the motion of Mr. Beatty, to strike out the word eight, the Convention adjourned till to-morrow, at 10 o'clock, a. m.

NOTE.—Members absent: Messrs. Carriere, Mayo, Porche, Wederstrandt, absent on leave; and Messrs. Leonard, Penn and Trist, absent on account of illness; and Messrs. Chinn, Grymes, Guion, Pugh, Saunders, Winchester and Winder, did not appear in their seats.

TUESDAY, March 25, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. MARSHALL opened the proceedings with prayer.

On motion, Mr. Chinn was excused for non-attendance on account of illness.

On motion, leave of absence was granted to Mr. McRae.

ORDER OF THE DAY.

Section 10th of article 2d of the legislative department, as reported by the majority, viz:

The State shall be divided into eight senatorial districts, each of which shall elect four senators, to be voted for by persons entitled to vote for representatives, as follows:

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall comprise the first district.

The parishes of Plaquemines, St. Bernard and the remainder of the parish of Orleans, parish of Jefferson, St. Charles and St. John the Baptist, shall compose the second district.

The parishes of St. James, Ascension, Assumption, Lafourche Interior and Terrebonne, shall compose the third district.

The parishes of Iberville, West Baton Rouge, East Baton Rouge, Point Coupée and Avoyelles, shall compose the fourth district.

The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena and Livingston, shall compose the fifth district.

The parishes of Concordia, Carroll, Madison, Ouachita, Union, Franklin, Tensas, Morehouse, Catahoula and Caldwell, shall compose the sixth district.

The parishes of Rapides, Natchitoches,

Caddo, Calcasieu, Claiborne, Sabine, Bossier and De Soto, shall compose the seventh district.

The parishes of St. Mary, St. Martin, St. Landry, Lafayette and Vermillion, shall compose the eighth district.

Provided, That the legislature shall have the power, in any year in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators.

Report of the minority, offered by Mr. Downs as a substitute to the foregoing 10th section, viz:

The senate shall consist of thirty-two members, to be elected for four years, by the voters qualified to vote for representatives, and at the same time; one half every two years; and the apportionment of senators shall be as follows:

The parishes of Plaquemines and St. Bernard, and that portion of the parish of Orleans on the right bank of the river, shall have one senator,

The Parish of Orleans—	1
First Municipality,	2
Second “	1
Third “	1
The Parish of Jefferson,	1
“ St. John the Baptist and St. Charles,	1
“ St. James,	1
“ Ascension and Assumption,	1
“ Lafourche and Terrebonne,	2
“ Iberville and West Baton Rouge,	1
“ East Baton Rouge,	1
“ West Feliciana,	1
“ East Feliciana,	1
“ St. Helena and Livingston,	1
“ Washington and St. Tammany,	1
“ Point Coupée,	1
“ Concordia and Tensas,	1
“ Carroll and Madison,	1
“ Catahoula and Franklin,	1
“ St. Mary and St. Martin,	1

The Parish of Lafayette and Vermillion,	1
“ St. Landry,	1
“ Sabine and Calcasieu,	1
“ Avoyelles,	1
“ Rapides,	1
“ Natchitoches,	1
“ Caddo and De Soto,	1
“ Claiborne and Bossier,	1
“ Ouachita and Caldwell,	1
“ Union, Morehouse and Jackson,	1

Total, 32

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature; but shall not be attached to more than one district.

Substitute offered by Mr. GUION, viz:

The senate shall consist of thirty-two members, to be elected for four years, by persons qualified to vote for representatives, and the apportionment of senators shall be as follows, to wit:

The parishes of Plaquemines, St. Bernard, and Jefferson, together with that portion of the parish of Orleans on the right bank of the river Mississippi, shall constitute the first district, with three senators.

All that portion of the parish of Orleans lying on the left side of the river, shall constitute the second district, with four senators.

The parishes of St. Charles and St. John the Baptist, shall constitute the third district, with one senator.

The parishes of St. James and Ascension, shall constitute the fourth district, with two senators.

The parishes of Assumption, Lafourche Interior and Terre Bonne, shall constitute the fifth district; with two senators.

The parishes of Iberville, West Baton Rouge and Point Coupée, shall constitute the sixth district, with two senators.

The parishes of West Feliciana and East Feliciana, shall constitute the seventh district, with two senators.

The parish of East Baton Rouge, shall

constitute the eighth district, with one senator.

The parishes of Washington, St. Tammany, St. Helena and Livingston, shall constitute the ninth district, with two senators.

The parishes of Concordia and Tensas, shall constitute the tenth district, with one senator.

The parishes of Madison and Carroll, shall constitute the eleventh district, with one senator.

The parishes of Avoyelles and Rapides, shall constitute the twelfth district, with two senators.

The parishes of Catahoula, Caldwell and Franklin, shall constitute the thirteenth district, with one senator.

The parishes of Ouachita, Union, Morehouse and Jackson, shall constitute the fourteenth district, with one senator.

The parishes of Natchitoches, Caddo, Sabine, De Soto and Claiborne, shall constitute the fifteenth district, with three senators.

The parishes of St. Landry and Calcasieu, shall constitute the sixteenth district, with two senators.

The parishes of St. Martin, St. Mary, Lafayette and Vermillion, shall constitute the seventeenth district, with two Senators.

The motion of Mr. BEATTY to strike out from the majority report the word "*eight*" being under consideration, the yeas and nays being called for

Messrs. Aubert, Beatty, Boudousquie, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Cénas, Chambliss, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dunn, Garcia, Garrett, Guion, Hudspeth, Humble, Hynson, King, Labauve, Ledea, Lewis, McCallop, Mazureau, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wadsworth, Wederstrandt, Wikoff and Winder voted in the affirmative.—54 yeas, and

Messrs. Benjamin, Briant, Kenner, Marigny, Roman, Taylor of Assumption and Winchester voted in the negative.—7 nays, consequently said motion was carried.

Mr. BRENT then moved to fill the blank

with the words "*thirty-two*," and the yeas and nays being called for

Messrs. Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, Labauve, Ledeaux, Legendre, McCallop, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Voorhies, Waddill and Wederstrandt voted in the affirmative—31 yeas, and

Messrs. Aubert, Beatty, Benjamin, Boudousque, Bourg, Briant, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Hudspeth, Kenner, King, Lewis, Marigny, Mazureau, Prescott of St. Landry, Pugh, Roman, Saunders, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wikoff, Winchester and Winder voted in the negative—32 nays, consequently the motion was lost.

Mr. KENNER moved to lay on the table subject to call, the clause fixing the number of senatorial districts, and that the Convention proceed in the apportionment; the yeas and nays being called for

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Pugh, Roman, Saunders, Sellers, Taylor of Assumption, Winchester and Winder voted in the affirmative—31 yeas; and

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Covillion, Downs, Humble, Hynson, Ledoux, McCallop, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt and Wikoff voted in the negative—31 nays; the vote being equally divided the President voted in the negative, consequently the motion was lost.

Mr. O'BRYAN then moved to fill the blank with the word "*thirty*," and the yeas and nays being called for,

Messrs. Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Covillion, Downs,

Garrett, Humble, Hynson, Labauve, Ledoux, McCallop, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Voorhies, Waddill and Wederstrandt voted in the affirmative—30 yeas; and

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Hudspeth, Kenner, King, Legendre, Lewis, Marigny, Mazureau, Prescott of St. Landry, Pugh, Roman, Saunders, Taylor of Assumption, Taylor of St. Landry, Wikoff, Winchester and Winder voted in the negative—32 nays; consequently, the motion was lost.

Mr. GUION then moved to fill the blank with the word "seventeen." The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Cenas, Claiborne, Conrad of Orleans, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Lewis, Marigny, Mazureau, Pugh, Roman, Saunders, Taylor of Assumption, Taylor of St. Landry, Winchester and Winder voted in favor of said motion—28 ayes; and

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Conrad of Jefferson, Covillion, Downs, Garrett, Humble, Hynson, Ledoux, Legendre, O'Bryan, Peets, Porter, McCallop, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Voorhies, Waddill, Wederstrandt and Wikoff voted in the negative—35 nays; consequently the motion was lost.

Mr. KENNER moved to adjourn till to-morrow at ten o'clock a. m. The yeas and nays being called for, yeas 31—nays 31.

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Hudspeth, Kenner, Labauve, Legendre, Marigny, Mazureau, Pugh, Roman, Roselius, Saunders, Sellers, Stephens, Taylor of Assumption, Winchester and Winder voted in the affirmative—31 ayes; and

Messrs. Brazeale, Brent, Bromfield, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, King, Ledoux, McCallop, O'Bryan, Peets, Porter, Prescott, of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Taylor of St. Landry, Waddill, Wederstrandt and Wikoff voted in the negative—31 nays. The vote being equal, the President voted in the negative; consequently, the motion was lost.

On motion of Mr. Kenner, the clause in the majority report fixing the number of senatorial districts, was laid on the table, subject to call.

Mr. BRENT then moved to take up the substitute offered by Mr. Downs, which motion was lost.

The President being asked what project was before the house, answered, that the majority report was the one upon which the Convention had been acting.

On motion, the Convention adjourned till to-morrow at 10 o'clock, a. m.

NOTE.—Members absent: Messrs. Chinn, Leonard, Penn and Trist, absent on account of illness; Messrs. Carriere, Mayo, McRae and Porche absent on leave, Messrs. Grymes and Soulè did not appear in their seats.

WEDNESDAY, March 26, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings with prayer.

Mr. ILSLEY, one of the reporters in English, furnished the secretary with the receipt of the printers to the Convention for the report of the debates to the 24th instant.

MR. RATLIFF chairman of the committee on contingent expenses, offered the following resolution, which was adopted, viz:

"Resolved, That the committee on contingent expenses be instructed to pay James Carpenter, sergeant-at-arms, the sum of twenty-seven dollars and fourteen cents, in remuneration for moneys paid out by him for the use of the Convention."

ORDER OF THE DAY.

SECTION 10th of article 5th, as reported by the majority.

"The State shall be divided into eight senatorial districts, each of which shall elect four senators, to be voted for by per-

sons entitled to vote for representatives, as follows:

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall comprise the first district.

The parishes of Plaquemines, St. Bernard, and the remainder of the parish of Orleans, parishes of Jefferson, St. Charles and St. John the Baptist, shall compose the second district.

The parishes of St. James, Ascension, Assumption, Lafourche Interior and Terrebonne shall compose the third district.

The parishes of Iberville, West Baton Rouge, East Baton Rouge, Point Coupee and Avoyelles shall compose the fourth district.

The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena and Livingston shall compose the fifth district.

The parishes of Concordia, Carroll, Madison, Ouachita, Franklin, Union, Tensas, Morehouse, Catahoula and Caldwell shall compose the sixth district.

The parishes of Rapides, Natchitoches, Caddo, Calcasieu, Claiborne, Sabine, Bossier and De Soto shall compose the seventh district.

The parishes of St. Mary, St. Martin, St. Landry, Lafayette and Vermillion shall compose the eighth district.

Provided, That the legislature shall have the power in any year in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators."

Report of the minority offered by Mr. Downs as a substitute to the foregoing 10th section, viz :

" The senate shall consist of thirty-two members, to be elected for four years by the voters qualified to vote for representatives, and at the same time, one-half every two years, and the apportionment of senators shall be as follows :

The parishes of Plaquemines, St. Bernard, and that portion of the parish of Orleans on the right bank of the river shall have one senator.

The Parish of Orleans—	1
First Municipality,	2
Second "	1
Third "	1
The Parish of Jefferson,	1

The Parish of St. John the Baptist and St. Charles,	1
" St. James,	1
" Ascension and Assumption,	1
" Lafourche and Terrebonne,	2
" Iberville and West Baton Rouge,	1
" East Baton Rouge,	1
" West Feliciana,	1
" East Feliciana,	1
" St. Helena and Livingston,	1
" Washington and St. Tammany,	1
" Point Coupée,	1
" Concordia and Tensas,	1
" Carroll and Madison,	1
" Catahoula and Franklin,	1
" St. Mary and St. Martin,	1
" Lafayette and Vermillion,	1
" St. Landry,	1
" Sabine and Calcasieu,	1
" Avoyelles,	1
" Rapides,	1
" Natchitoches,	1
" Caddo and De Soto,	1
" Claiborne and Bossier,	1
" Ouachita and Caldwell,	1
" Union, Morehouse and Jackson,	1

Total, 32

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature; but shall not be attached to more than one district."

Mr. GUION offered the following substitute, viz :

The senate shall consist of thirty-two members, to be elected for four years, by persons qualified to vote for representatives, and the apportionment of the senators shall be as follows, viz :

The parishes of Plaquemines, St. Bernard and Jefferson, together with that portion of the parish of Orleans on the right bank of the river Mississippi, shall constitute the first district, with three senators.

All that portion of the parish of Orleans lying on the left side of the river shall constitute the second district, with four senators.

The parishes of St. Charles and St. John the Baptist shall constitute the third district, with one senator.

The parishes of St. James and Ascension shall constitute the fourth district, with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne shall constitute the fifth district, with two senators.

The parishes of Iberville, West Baton Rouge and Point Coupée shall constitute the sixth district, with two senators.

The parishes of West Feliciana and East Feliciana shall constitute the seventh district, with two senators.

The parish of East Baton Rouge shall constitute the eighth district, with one senator.

The parishes of Washington, St. Tammany, St. Helena and Livingston shall constitute the ninth district, with two senators.

The parishes of Concordia and Tensas, shall constitute the tenth district, with one senator.

The parishes of Madison and Carroll, shall constitute the eleventh district, with one senator.

The parishes of Avoyelles and Rapides, shall constitute the twelfth district, with two senators.

The parishes of Catahoula, Caldwell and Franklin, shall constitute the thirteenth district, with one senator.

The parishes of Ouachita, Union, Morehouse and Jackson, shall constitute the fourteenth district, with one senator.

The parishes of Natchitoches, Caddo, Sabine, De Soto and Claiborne, shall constitute the fifteenth district, with three senators.

The parishes of St. Landry and Calcasieu, shall constitute the sixteenth district, with two senators.

The parishes of St. Martin, St. Mary, Lafayette and Vermillion, shall constitute the seventeenth district, with two senators.

On motion, the Convention took up the first district of the majority report, viz :

"All that portion of the parish of Orleans lying on the east side of the Mississippi, shall compose the first district."

Mr. DOWNS offered the following substitute, viz :

"The parish of Orleans shall have—for the first municipality, two senators; for the second municipality, one senator; for the third municipality, one senator."

Mr. CONRAD of Orleans, moved to lay on the table, subject to call, the order of the day, in order to make way for the following resolution, viz :

"Whereas, representation in the lower house of the general assembly has been based solely on members—

"*Resolved*, That in apportioning representation in the senate, property or taxation should be taken into the estimate."

The yeas and nays being called for,

Messrs. *Aubert, Boudousquié, Briant, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Guion, Kenner, King, Labauve, Legendre, Mazureau, Pugh, Roman, Saunders, Taylor of St. Landry, Wadsworth, Winchester and Winder* voted in the affirmative—23 yeas; and

Messrs. *Beatty, Benjamin, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Hudspeth, Humble, Hynson, Lewis, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, and Wederstrandt* voted in the negative—36 nays; consequently the motion was lost.

Mr. TAYLOR of Assumption, moved to lay on the table subject, to call, the first district of the majority report, together with the substitute offered by Mr. Downs, in consequence of the absence of four of the city delegates.

The yeas and nays being called for, resulted as follows :

Messrs. *Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Dunn, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau,*

Pugh, Roman, Saunders, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Winchester and Winder voted in the affirmative—31 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Culbertson, Downs, Humble, Hynson, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Splane, Stephens, Waddill, Wederstrandt and Wikoff voted in the negative—29 nays; consequently the motion was carried.

On motion, the second district of the majority report was taken up, viz :

"The parishes of Plaquemines, St. Bernard, and the remainder of the parish of Orleans, parish of Jefferson, St. Charles and St. John the Baptist, shall compose the second district."

Mr. Downs offered the following amendment, to wit :

The parish of Plaquemines and St. Bernard, and that portion of the parish of Orleans on the right bank of the river, shall have one senator.

Mr. WADSWORTH moved to amend the amendment of Mr. Downs, by inserting "two" instead of "one" senator. The yeas and nays being called for,

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Briant, Cénas, Claiborne, Conrad of Jefferson, Culbertson, Derbes, Garcia, Hudspeth, King, Labaue, Legendre, Lewis, Marigny, Mazureau, Pugh, Roman, Roselius, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wikoff and Winchester voted in the affirmative—26 yeas; and

Messrs. Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Conrad of New Orleans, Covillion, Downs, Dunn, Guion, Humble, Hynson, Kenner, McCallop, McRae, O'Bryan, Penn, Porter, Prescott of St. Landry, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Voorhies, Waddill and Wederstrandt voted in the negative—33 nays; the motion was lost.

On motion the amendment of Mr. Downs was adopted, viz :

"The parishes of Plaquemines and St. Bernard, and that portion of the parish of Orleans on the right bank of the river Mississippi, shall have one senator."

Mr. BEATTY moved to strike out from said district that part of the parish of Orleans on the right bank; which motion was lost.

Mr. BENJAMIN then moved that the parishes of Jefferson, St. Charles and St. John the Baptist, be entitled to three senators.

Mr. BRENT moved to amend Mr. Benjamin's motion, by giving to the parish of Jefferson one senator.

Mr. BENJAMIN then moved for a division, that the Convention first proceed to divide the parish of Jefferson from the parishes of St. Charles and St. John the Baptist. The yeas and nays being called for,

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Covillion, Downs, Garcia, Garrett, Humble, Hynson, McCallop, McRae, Marigny, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Voorhies, Waddill and Wederstrandt voted in the affirmative—34 yeas; and

Messrs. Aubert, Benjamin, Boudousquie, Briant, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Guion, Hudspeth, Kenner, King, Labaue, Legendre, Lewis, Mazureau, Pugh, Roman, Roselius, Saunders, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wikoff, and Winchester voted in the negative—27 nays; consequently said motion was carried.

Mr. CONRAD of Jefferson, moved to amend the amendment of Mr. Brent, by inserting "two" instead of "one" senator. The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Briant, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Kenner, Labaue, Ledoux, Legendre, Marigny, Mazureau, Preston, Pugh, Roman, Roselius, Sanders, Soulé, Taylor of Assumption, Wadsworth, Winchester and Winder voted in the affirmative—25 yeas; and

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Hudspeth, Humble, Hynson, Lewis, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of

Feliciana, *Scott* of Madison, *Sellers*, *Splane*, *Stephens*, *Taylor* of St. Landry, *Voorhies*, *Waddill*, *Wederstrandt*, and *Wikoff* voted in the negative—36 nays ; consequently the motion was lost.

The motion of Mr. Brent, giving the parish of Jefferson one senator, was then adopted.

On motion, the apportionment of the parishes of St. Charles and St. John the Baptist was fixed at one Senator.

On motion, the Convention took up the third district of the majority report, viz :

The parishes of St. James, Ascension, Assumption, Lafourche Interior, and Terrebonne, shall compose the third district.

Mr. KENNER moved for a division, that is, that the parish of St. James and Ascension shall compose one district ; which motion prevailed.

Mr. KENNER then moved to allot said district two senators.

And, pending the discussion of said motion the Convention adjourned till to-morrow at ten o'clock, a. m.

Note—Members absent, Messrs. Carriere, Mayo, and Porche, absent on leave ; Messrs. Leonard and Trist, absent on account of illness ; and Messrs. Chinn, Grymes and St. Amand did not appear in their seats.

THURSDAY, March 27, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, at the request of the president, the Hon. Mr. STEPHENS opened the proceedings with prayer.

Mr. Robert Kerr, one of the reporters in English, furnished the secretary with the receipt of the printers to the Convention, for the report of the debates in English of the 25th ult.

ORDER OF THE DAY.

SEC. 10. The State shall be divided into —senatorial districts, each of which shall elect four senators, to be voted for by persons entitled to vote for representatives, as follows:

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall comprise the first district.

The parishes of Plaquemines, St. Bernard and that portion of the parish of Or-

leans on the right bank of the river, shall compose one district, with one senator.

The parish of Jefferson shall compose one district, with one senator.

The parishes of St. Charles and St. John the Baptist, shall compose one district, with one senator.

The parishes of St. James and Ascension, shall compose one district, with — senators.

The parishes of Assumption, Lafourche Interior and Terrebonne, shall compose — district, with — senator.

The parishes of Iberville, West Baton Rouge, East Baton Rouge, Point Coupée and Avoyelles, shall compose the fourth district.

The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena and Livingston, shall compose the fifth district.

The parishes of Concordia, Carrol, Madison, Ouachita, Union, Franklin, Tensas, Morehouse, Catahoula and Caldwell, shall compose the sixth district.

The parishes of Rapides, Natchitoches, Caddo, Calcasieu, Claiborne, Sabine, Bossier and De Soto, shall compose the seventh district.

The parishes of St. Mary, St. Martin, St. Landry, Lafayette and Vermillion, shall compose the eighth district.

Provided, That the legislature shall have the power, in any year in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators.

The question under consideration at the adjournment, was the motion of Mr. Kenner to allow to the senatorial district, composed of the parishes of St. James and Ascension, two senators.

Mr. BRENT moved that the order of the day, that is, the motion offered by Mr. Kenner giving two senators to the county of Acadia, be laid on the table subject to call; and the yeas and nays being called for,

Messrs. *Beatty*, *Brazeale*, *Brent*, *Cade*, *Chambliss*, *Covillion*, *Downs*, *Humble*, *Hynson*, *Lewis*, *McCallop*, *McRae*, *O'Bryan*, *Peets*, *Penn*, *Porter*, *Prescott* of Avoyelles, *Prescott* of St. Landry, *Ratliff*, *Read*, *Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Splane*, *Stephens*, *Voor-*

hies, Waddill, Wederstrandt and *Winder* voted in the affirmative—29 yeas; and

Messrs. *Aubert, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Burton, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Marigny, Mazureau, Prudhomme, Pugh, Roman, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wikoff* and *Winchester* voted in the negative—36 nays; consequently the motion was lost.

Mr. KENNER then called for the yeas and nays on the motion giving two senators to the parishes of St. James and Ascension, which resulted as follows:

Messrs. *Aubert, Benjamin, Boudousquie, Bourg, Briant, Burton Cade, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Roman, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth* and *Winchester* voted in the affirmative—39 yeas; and

Messrs. *Beatty, Brazeale, Brent, Brumfield, Chambliss, Covillion, Downs, Humble, Hynson, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Waddill, Wederstrandt* and *Winder* voted in the negative—25 nays; consequently said motion was carried.

On motion, the senatorial district composed of the parishes of St. James and Ascension, with two senators, was adopted.

Mr. RATLIFF gave notice that he would, on a future day, move to reconsider the vote making one senatorial district of the parishes of St. James and Ascension.

Mr. TAYLOR of Assumption, moved that the parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators.

Mr. DOWNS moved for a division, that is, the Convention first proceed to establish the district; and the yeas and nays being called for,

Messrs. *Aubert, Benjamin, Boudousquie, Beatty, Brazeale, Brent, Cham-Bourg, Briant, Burton, Brumfield, Chinn,*

Cade, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Prescott of St. Landry, Pugh, Roman, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth, Winchester and *Winder* voted in the affirmative—38 yeas; and,

bliss, Covillion, Downs, Humble, Hynson, Ledoux, McCallop, McRae, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Waddill and *Wederstrandt* voted in the negative—25 nays; consequently the motion was carried.

On motion, the district composed of the parishes of Assumption, Lafourche Interior and Terrebonne with two senators, was adopted.

The Convention then took up the fourth district of the majority report, viz:

"The parishes of Iberville, West Baton Rouge, East Baton Rouge, Point Coupée and Avoyelles shall compose the fourth district."

Mr. CHINN moved to amend, as follows, viz: "The parishes of Iberville and West Baton Rouge shall compose one district;" which amendment was adopted.

Mr. CHINN then moved that two senators be allotted to the said district formed of the parishes of Iberville and West Baton Rouge; the yeas and nays being called for,

Messrs. *Benjamin, Boudousquie, Briant, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Kenner, Labauve, Ledoux, Legendre, McCallop, Marigny, Mazureau, Pugh, Roman, Saunders, Scott of Baton Rouge, Waddill* and *Winchester* voted in the affirmative—23 yeas; and

Messrs. *Aubert, Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Cénas, Chambliss, Covillion, Downs, Garrett, Guion, Hudspeth, Humble, Hynson, King, Lewis, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Feliciana, Sellers, Stephens, Splane, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wederstrandt* and *Winder* voted in the negative—38 nays; consequently the motion was lost.

On motion, the district composed of the parishes of Iberville and West Baton Rouge, with one senator, was adopted.

Mr. READ moved that the parish of East Baton Rouge shall compose one district, with one senator; which motion prevailed.

Mr. LEDOUX moved that the parish of Point Coupée shall compose one district, with one senator; which motion was adopted.

Mr. COVILLION moved that the parish of Avoyelles shall compose one district, with one senator; the yeas and nays being called for,

Messrs. *Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Cénas, Chambliss, Covillion, Culbertson, Downs, Garrett, Hudspeth, Humble, Hynson, King, Ledoux, Lewis, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt and Winder* voted in the affirmative—41 yeas; and

Messrs. *Aubert, Boudousquié, Briant, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Derbes, Dunn, Guion, Kenner, Labauve, Legendre, Mazureau, Pugh, Roman, Saunders, Wadsworth and Winchester* voted in the negative—19 nays; consequently the motion was carried, and the district composed of the parish of Avoyelles with one senator, was adopted.

On motion, the Convention adjourned till to-morrow, at 10 o'clock, a. m.

NOTE.—Members absent: Messrs. Carriere, Mayo and Porche absent on leave; Messrs. Leonard and Trist absent on account of illness; and Messrs. Grymes, Preston, Roselius, St. Amand and Soulé did not appear in their seats.

FRIDAY, March 28, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings with prayer.

Mr. ILSLEY, one of the reporters in English, furnished the secretary with the receipt of the printers to the Convention for the report of the debates in English, of the 26th inst.

ORDER OF THE DAY.

SEC. 10. The State shall be divided in-

to — senatorial districts, each of which shall elect four senators, to be voted for by persons entitled to vote for representatives as follows:

All that portion of the parish of Orleans lying on the east side of the Mississippi river shall comprise the first district.

The parishes of Plaquemines, St. Bernard, and that portion of the parish of Orleans on the right bank of the river shall compose one district, with one senator.

The parish of Jefferson shall compose one district, with one senator.

The parishes of St. Charles and St. John the Baptist, shall compose one district, with one senator.

The parishes of St. James and Ascension shall compose one district, with two senators.

The parishes of Assumption, Lafourche Interior, and Terrebonne, shall compose one district, with two senators.

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Pointe Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena and Livingston, shall compose the fifth district.

The parishes of Concordia, Carrol, Madison, Ouachita, Union, Franklin, Tensas, Morehouse, Catahoula, and Caldwell shall compose the sixth district.

The parishes of Rapides, Natchitoches, Caddo, Calcasieu, Claiborne, Sabine, Bossier and De Soto, shall compose the seventh district.

The parishes of St. Mary, St. Martin, St. Landry, Lafayette and Vermillion, shall compose the eighth district.

Provided, that the legislature shall have the power in any year in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators.

On motion of Mr. LEWIS, the Convention took up the eighth district of the majority report, viz:

The parishes of St. Mary, St. Martin,

St. Landry, Lafayette and Vermillion shall compose the eighth district.

Mr. Taylor of Assumption moved to amend the same by making a district of the parishes of St. Mary and St. Martin.

Mr. SPLANE moved for a division, that is that each parish shall constitute a separate district, and the yeas and nays being called for,

Messrs. Brazeale, Brent, Brumfield, Burton, Chambliss, Covillion, Downs, Humble, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Splane, Stephens, Waddill, Wederstrandt, and Wikoff voted in the affirmative—25 yeas; and

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Cade, Céas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garrett, Guion, Hudspeth, Hynson, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Prescott of St. Landry, Pugh, Roman, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies, Winchester and Winder voted in the negative—36 nays; consequently the motion was lost.

On motion the amendment of Mr. Taylor of Assumption, forming one district with the parishes of St. Mary and St. Martin, was adopted.

Then Mr. Taylor of Assumption moved that two senators be allotted to the district composed of the parishes of St. Mary and St. Martin; the yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Briant, Cade, Céas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Kenner, King, Labauve, Legendre, Lewis, McCallop, Marigny, Mazureau, O'Bryan, Peets, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Roman, Scott of Baton Rouge, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wikoff, Winchester and Winder voted in the affirmative—49 yeas; and

Messrs. Burton, Hynson, McRae, Penn, Porter, Ratliff, Read, Scott of Feliciana, Waddill and Wederstrandt voted in the

negative—10 nays; consequently the motion was carried.

On motion of Mr. TAYLOR of Assumption, the district composed of the parishes of St. Mary and St. Martin, with two senators, was adopted.

Mr. O'BRYAN moved that the parishes of Lafayette and Vermillion shall compose one district, with one senator, which motion prevailed.

Mr. LEWIS moved that the parishes of St. Landry and Calcasieu shall form one district, with two senators; the yeas and nays being called for,

Messrs. Aubert, Benjamin, Bourg, Brazeale, Brent, Burton, Brumfield, Briant, Cade, Céas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Guion, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Legendre, Lewis, McCallop, Marigny, Mazureau, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Roman, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wederstrandt, Wikoff, Winchester and Winder voted in the affirmative—57 yeas; and

Mr. Abel Waddill voted in the negative—1 nay; consequently the motion was carried, and the district composed of the parishes of St. Landry and Calcasieu, with two senators, was adopted.

On motion of Mr. RATLIFF, the Convention took up the fifth district of the majority report, viz:

The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena, and Livingston, shall compose the fifth district.

Mr. WEDERSTRANDT moved that the parish of West Feliciana, shall compose one district, with one senator, the yeas and nays being called for,

Messrs. Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Chinn, Covillion, Culbertson, Downs, Garrett, Humble, Hynson, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Waddill, Weder-

strandt and Wikoff--voted in the affirmative; 34 yeas.

Messrs. Aubert, Benjamin, Bourg, Briant, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Dunn, Eustis, Guion, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Pugh, Roman, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Winchester and Winder—26 yeas; consequently said motion was carried, and the parish of West Feliciana constitutes one senatorial district, and is entitled to one Senator.

On motion of Mr. SCOTT of Feliciana, the parish of East Feliciana was constituted in one district, with one senator.

Mr. McRAE moved that the Parishes of St. Helena and Livingston shall form one district.

Mr. LABAUVE moved to amend the motion of Mr. McRae, by adding to said district the parishes of Washington and St. Tammany; the yeas and nays being called for,

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Eustis, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Pugh, Roman, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth, Winchester and Winder voted in the affirmative—30 yeas; and

Messrs. Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Covillion, Downs, Dunn, Garrett, Humble, Hynson, Ledoux, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Waddill, and Wederstrandt voted in the negative—32 nays; consequently the motion was lost.

Mr. PENN then moved that the parishes of St. Helena and Livingston shall form one district, with one senator, the yeas and nays being called for,

Messrs. Brazeale, Brent, Brumfield, Burton, Cade, Cénas, Chambliss, Covillion, Downs, Dunn, Garrett, Humble, Hynson, Ledoux, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Saunders, Scott of

Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Waddill, and Wederstrandt voted in the affirmative—33 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Eustis, Garcia, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Pugh, Roman, Sellers, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Winchester and Winder voted in the negative—28 nays; consequently the motion was carried, and the district composed of the parishes of St. Helena and Livingston, with one senator was adopted.

Mr. PENN moved that the parishes of Washington and St. Tammany shall compose one district, with one senator, and the yeas and nays being called for,

Messrs. Brazeale, Brent, Brumfield, Burton, Cade, Cénas, Chambliss, Covillion, Downs, Dunn, Eustis, Garrett, Humble, Hynson, Ledoux, Lewis, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prestsn, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Taylor of St. Landry, Waddill and Wederstrandt voted in the affirmative—37 yeas; and,

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Garcia, Hudspeth, Kenner, King, Labauve, Legendre, Mazureau, Pugh, Roman, Sellers, Taylor of Assumption, Winchester and Winder voted in the negative—23 nays; the motion was carried, and the district composed of the parishes of Washington and St. Tammany, with one senator, was adopted.

On motion of Mr. SELLERS, the parishes of Tensas and Concordia shall compose one district, with one senator, was adopted.

Mr. SELLERS moved that the parishes of Carroll and Madison shall form one district, with one senator; which motion prevailed.

Mr. GARRETT moved that the parishes of Morehead, Union and Jackson, shall compose one district, with one senator.

On a motion that the Convention adjourn till to-morrow at 10 o'clock a. m., the yeas and nays being called for,

Messrs. Aubert, Benjamin, Briant, Cénas, Chinn, Claiborne, Conrad of New Or.

leans, Conrad of Jefferson, Derbes, Garcia, Kenner, King, Labauve, Lewis, McCallop, Mazureau, Saunders, Taylor of Assumption, Taylor of St. Landry, Winchester and Winder voted in favor of the adjournment—22 yeas; and

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Covillion, Downs, Dunn, Eustis, Garrett, Hudspeth, Humble, Hynson, Ledoux, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Waddill and Wederstrandt voted against the adjournment—37 nays; the motion was lost.

Mr. BENJAMIN moved to amend the motion of Mr. Garrett by adding the parish of Ouachita to said district.

Mr. AUBERT moved that the Convention adjourn till to-morrow at 10 o'clock, a. m., the yeas and nays being called for,

Messrs. Aubert, Beatty, Bourg, Briant, Cénes, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Derbes, Dunn, Eustis, Garcia, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, McCallop, Mazureau, Pugh, Roman, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Winchester and Winder voted in the affirmative—29 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, Ledoux, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Waddill and Wederstrandt voted in the negative—29 nays; the vote being equally divided, the President voted in the negative, consequently the motion was lost.

After some discussion on the motion of Mr. Benjamin, Mr. Kenner moved that the Convention adjourn till to-morrow, at 10 o'clock, a. m.; the yeas and nays being called for,

Messrs. Aubert, Bourg, Briant, Brumfield, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Garcia, Hudspeth, Kenner, King, Labauve, Lewis, McCallop, Pugh, Roman, Stephens, Taylor of Assumption, Taylor of St. Landry, Voor-

hies, Winchester and Winder voted in the affirmative—23 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, Ledoux, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Waddill, and Wederstrandt voted in the negative—28 nays; consequently the motion was lost.

Mr. McRAE then moved a call of the house, and the following delegates answered to their names, viz:

Messrs. Walker, President; Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Chambliss, Claiborne, Conrad of Orleans, Covillion, Derbes, Downs, Garcia, Garrett, Hudspeth, Humble, Hynson, Kenner, King, Ledoux, Lewis, McCallop, McRae, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Roman, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Waddill and Wederstrandt—45.

On motion the Convention adjourned till to-morrow, at 10 o'clock, a. m.

NOTE—Members absent, Messrs. Carriere, Mayo and Porche, absent on leave; Messrs. Leonard and Trist, absent on account of illness; and Messrs. Grymes, Roselius, St. Amand and Soulé, did not appear in their seats.

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SATURDAY, March 29, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WATKINS opened the proceedings with prayer.

The PRESIDENT submitted a letter of invitation from major Gally, of the Orleans Battalion, to attend a target shooting, which invitation was accepted.

Mr. RATLIFF, chairman of the committee on contingent expenses, to whom was referred the application of the printers of the reports of the English debates of the Convention, submitted the following report, viz:

The committee on contingent expenses, to whom was referred the application of the printers of the English reports of the Convention, for an increased compensa-

tion to be allowed them for their services, have the honor to report, that by a resolution of the Convention, adopted on the 27th day of January, the printers of the English reports of the journal and debates of the Convention, as well as the printers of the French, were to receive each five hundred dollars during the session of the Convention, for ten copies of their paper, containing the entire proceedings of the Convention, to be furnished each member three times a week, or oftener if necessary, to keep up with the proceedings of the Convention; and by a former resolution, adopted the 10th of August last, they were to have two dollars per page for the printing, binding and delivering in book form one thousand copies of the journals and debates of the Convention in English, and the same for a like number of copies in French. Nothing was said in either of those resolutions about extra printing ordered by the Convention. In view of the above resolutions, the committee have felt themselves fully authorized to credit the accounts of the printers for any extra printing they were required to do for the Convention, and to allow them a fair compensation for the work so done. The present application of the printers of the English reports for the Convention, is mainly, it is believed, to obtain an extra compensation for furnishing the number of copies of the paper to the members, required under the resolution above referred to. Their application is in these words: They say they are allowed five hundred dollars for furnishing each member of the Convention, with ten copies of the paper each day; the papers to contain the proceedings of the Convention, during the sitting of that body; a compensation less than twenty dollars per day for seven hundred and seventy copies of the paper. This would involve them in an absolute loss at the rate of ten dollars for three hundred and twelve papers; this number would be worth twenty-six dollars and seventy-five cents; thus, should the Convention sit three months, they would receive one thousand eight hundred dollars worth of papers, and according to the present arrangement, we should be mulcted in a loss of one thousand three hundred dollars on this item alone of the contract. The committee have thought proper to state the substance

of their application, in order to possess the house fully of the value of their application; the committee would suggest, that the election of the present printers took place on the same day the resolution above referred to was adopted, and almost immediately after its adoption. The question of the removal of the former printer, had occupied the attention of the Convention for several days previous to his removal; soon after the election of the present printers, the committee paid them the five hundred dollars, allowed them by said resolution, in compensation for the subscription of the Convention to their paper, and since then the printers of the English journals and debates have received for extra printing, a further sum of five hundred dollars. It is proper to say, that, according to their account for extra printing, now in the hands of the committee, they have done extra printing to more than sufficient to cover that sum, and which the committee will report upon as soon as they can avail themselves of the necessary information in relation to the value of the work.

The committee feel fully assured, that the printers of the Convention became candidates for the office of printers with a full knowledge of the compensation to be allowed them, both for their paper, and their journal and debates, to be printed in book form; and nothing was left in doubt or uncertainty, in entering into the contract, but the extra printing; which the committee will, unless otherwise instructed, always pay for at a fair compensation as fast as the work is done. The committee feel satisfied, that the Convention has paid to the printers of the English department, as much money as has been authorized under the contract; and they are of opinion, that no further compensation aside from the contract, be allowed them.

Mr. SPLANE moved to lay the above report on the table, subject to call, which motion was lost.

Mr. DOWNS offered the following resolution, viz:

Resolved, That the report made by the committee on contingent expenses, be referred back to the same committee, with instructions to inquire what amount of compensation ought with justice to be given to the printers of the reports of the debates of the Convention, for furnishing

to each member of the Convention ten copies of the newspaper, containing the reports.

Mr. DOWNS moved for the adoption of this resolution; the yeas and nays being called for,

Messrs. *Brazeale, Brent, Briant, Brumfield, Burton, Cade, Chambliss, Claiborne, Covillion, Culbertson, Downs, Garrett, Humble, Hynson, Lewis, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Splane, Stephens, Taylor* of St. Landry, *Voorhies, Waddill, Wederstrandt, Wikoff* and *Winder* voted in the affirmative—36 yeas; and,

Messrs. *Aubert, Beatty, Bourg, Chinn, Conrad* of Orleans, *Conrad* of Jefferson, *Derbes, Hudspeth, King, Legendre, Mazureau, Prudhomme, Pugh Ratliff, Roman, Saunders, Sellers,* and *Winchester* voted in the negative—18 nays; consequently the resolution was adopted.

Mr. SPLANE gave notice that he would on Wednesday next, move to reconsider the vote making one senatorial district of the parishes of St. Mary and St. Martin.

Mr. CHINN gave notice that he would on Wednesday next, move to reconsider the vote allotting to the senatorial district formed of the parishes of Iberville and West Baton Rouge, one senator.

Mr. PUGH gave notice that he would on a future day, introduce a section to the effect, that each parish shall pay the expenses of its representation in the general assembly.

ORDER OF THE DAY.

SEC. 10. The State shall be divided into — senatorial districts, each of which shall elect four senators, to be voted for by persons entitled to vote for representatives, as follows:

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall comprise the first district.

The parish of Plaquemines, St. Bernard and that portion of the parish of Orleans on the right bank of the river, shall compose one district, with one senator.

The parish of Jefferson shall compose one district, with one senator.

The parishes of St. Charles and St.

John the Baptist, shall compose one district, with one senator.

The parishes of St. James and Ascension, shall compose one district, with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne, shall compose one district, with two senators.

The parishes of Iberville, and West Baton Rouge shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Point Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parishes of St. Mary and St. Martin shall compose one district, with two senators.

The parishes of Lafayette and Vermilion shall compose one district, with one senator.

The parishes of St. Landry and Calcasieu shall compose one district, with two senators.

The parish of West Feliciana shall compose one district, with one senator.

The parish of East Feliciana shall compose one district with one senator.

The parishes of St. Helena and Livingston, shall compose one district, with one senator.

The parishes of Washington and St. Tammany, shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district, with one senator.

The parishes of Ouachita, Union, Franklin, Morehouse, Catahoula and Caldwell shall compose the sixth district.

The parishes of Rapides, Natchitoches, Caddo, Claiborne, Sabine, Bossier and De Soto shall compose the seventh district.

Provided, That the legislature shall have the power in any year in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators.

The question under consideration at the adjournment, was the motion of Mr. Ben-

jamin to amend the motion of Mr. Garrett, by adding the parish of Ouachita to the senatorial district composed of the parishes of Morehouse, Union and Jackson. The yeas and nays being called for,

Messrs. *Aubert, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Garcia, Hudspeth, King, Legendre, Pugh, Roman, Roselius, Saunders, Sellers, Taylor of St. Landry, Wadsworth and Winder* voted in the affirmative—18 yeas; and

Messrs. *Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Chambliss, Covillion, Culbertson, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, Lewis, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soule, Splane, Stephens, Voorhies, Waddill, Wederstrandt and Wikoff* voted in the negative—41 nays; consequently the motion was lost.

Mr. GARRETT then moved for the adoption of the senatorial district composed of the parishes of Morehouse, Union and Jackson, with one senator. The yeas and nays being called for,

Messrs. *Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Chambliss, Covillion, Downs, Eustis, Garrett, Humble, Hynson, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soule, Splane, Stephens, Voorhies, Waddill, Wederstrandt and Wikoff* voted in the affirmative—yeas 38; and

Messrs. *Aubert, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Garcia, Hudspeth, King, Legendre, Lewis, Mazureau, Pugh, Roman, Roselius, Saunders, Sellers, and Taylor of St. Landry* voted in the negative—18 ayes; consequently the motion was carried, and the district composed of the parishes of Morehouse, Union and Jackson, with one senator was adopted.

On motion of Mr. MAYO, the district composed of the parishes of Franklin and Catahoula, with one senator, was adopted.

On motion of Mr. BRENT, the district composed of the parish of Rapides, with one senator, was adopted.

On motion of Mr. PEETS, the district composed of the parishes of Bossier and Claiborne, with one senator, was adopted.

On motion of Mr. BRAZEALE, the district composed of the parishes of Natchitoches and Sabine, with two senators, was adopted.

On motion of Mr. PORTER, the district composed of the parishes of Caddo and De Soto, with one senator, was adopted.

Mr. DOWNS moved for the adoption of the district composed of the parishes of Ouachita and Caldwell, with one senator; the yeas and nays being called for, resulted as follows:

Messrs. *Brazeale, Brent, Briant, Brumfield, Burton, Cade, Chambliss, Covillion, Culbertson, Downs, Eustis, Garrett, Humble, Hynson, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soule, Splane, Stephens, Voorhies, Waddill, Wederstrandt and Wikoff* voted in the affirmative—39 yeas; and

Messrs. *Aubert, Chinn, Claiborne, Conrad of Jefferson, Derbes, Dunn, Garcia, Hudspeth, King, Lewis, Mazureau, Roman, Roselius, Saunders, Sellers, and Taylor of St. Landry* voted in the negative—16 nays; consequently said motion was carried, and the senatorial district composed of the parishes of Ouachita and Caldwell, with one senator, was adopted.

On motion of Mr. MARIGNY, the Convention took up the first district of the majority report, which had been laid on the table, subject to call, viz:

“All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall comprise the first district.

On motion of Mr. SOULE four senators were allotted to said district.

Mr. LEWIS moved that the Convention adjourn till Monday next, at 10 o'clock a. m.; the yeas and nays being called for,

Messrs. *Aubert, Briant, Brumfield, Cénas, Chinn, Culbertson, Derbes, Garcia, Garrett, Hudspeth, Lewis, Marigny, Mazureau, Pugh, Ratliff, Roman, Roselius, Saunders, and Taylor of St. Landry* voted in the affirmative—and

Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Covillion, Downs, Dunn, Eustis, Humble, Hynson, Ledoux, McCallop,*

McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Voorhies, Waddill, Wederstrandt and Wikoff voted in the negative—35 nays; consequently the motion was lost.

Mr. CULBERTSON moved that the said first district be divided into three senatorial districts, and the four senators be allotted to them as follows, viz:

The first municipality shall compose one district, with two senators.

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator.

The yeas and nays being called for on the adoption of the motion of Mr. Culbertson,

Messrs. Brazeale, Brent, Briant, Brumfield, Burton, Cade, Chambliss, Covillion, Culbertson, Downs, Garcia, Garrett, Humble, Hynson, Ledoux, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Waddill, Wederstrandt and Wikoff voted in the affirmative—37 yeas; and

Messrs. Céas, Derbes, Dunn, Eustis, Hudspeth, Lewis, Mazureau, Roman, Roselius and Taylor of St. Landry voted in the negative—10 nays; consequently the motion was carried, and the said districts adopted, as follows, viz:

The first municipality shall compose one district, with two senators.

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator.

Mr. MAZUREAU gave notice that he will on Wednesday next, at 12 o'clock, m., move to reconsider the vote dividing the city of New Orleans into three senatorial districts.

On motion, the Convention adjourned till Monday next, at 10 o'clock, a. m.

NOTE—Members absent, Messrs. Carriere and Porche, absent on leave; Messrs. Leonard and Trist, absent on account of illness; and Messrs. Boudousquie, Grymes, Kenner, Labauve, St. Amand, and Taylor

of Assumption, did not appear in their seats.

MONDAY, March 31, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WARREN opened the proceedings with prayer.

Mr. ILSLEY, one of the reporters in English furnished the secretary with the receipt of the printers for the report of the debates of the 28th instant; and further, the secretary reports that the receipt for the report of the debates of the 27th instant have not yet been furnished him.

On motion, leave of absence was granted Messrs. Scott of Baton Rouge, Hyson and Briant.

On motion Mr. Guion was excused for non-attendance, on account of illness.

On motion, leave of absence was granted Mr. A. Duplantion, on his furnishing the secretary with a substitute to act in his stead during his absence.

Mr. KENNER offered the following resolution, and the same was adopted, viz:

Resolved, That the committee on contingent expenses be instructed to report to the Convention what amount of money has been paid to the different printers, for all printing done up to date, and to whom paid.

ORDER OF THE DAY.

SEC. 10. The State shall be divided into — senatorial districts, each of which shall elect four senators, to be voted for by persons entitled to vote for representatives, as follows, viz:

All that portion of the parish of Orleans lying on the east side of the Mississippi river shall be divided as follows, viz:

The first municipality shall compose one district, with two senators.

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator.

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans on the right bank of the river, shall compose one district, with one senator.

The parish of Jefferson shall compose one district, with one senator.

The parishes of St. Charles and St. John the Baptist shall compose one district, with one senator.

The parishes of St. James and Ascension shall compose one district, with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators.

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Pointe Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parishes of St. Mary and St. Martin shall compose one district, with two senators.

The parishes of Lafayette and Vermilion shall compose one district, with one senator.

The parishes of St. Landry and Calcasieu shall compose one district, with two senators.

The parish of West Feliciana shall compose one district with one senator.

The parish of East Feliciana shall compose one district, with one senator.

The parishes of St. Helena and Livingston, shall compose one district, with one senator.

The parishes of Washington and St. Tammany shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district, with one senator.

The parishes of Morehouse, Union and Jackson shall compose one district, with one senator.

The parishes of Ouachita and Caldwell shall compose one district, with one senator.

The parishes of Franklin and Catahoula shall compose one district, with one senator.

The parish of Rapides shall compose one district, with one senator.

The parishes of Bossier and Claiborne shall compose one district, with one senator.

The parishes of Natchitoches and Sa-

bine shall compose one district with two senators.

The parishes of Caddo and De Soto shall compose one district, with one senator.

Provided, that the legislature shall have the power, in any year, in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators.

Mr. DOWNS moved to amend the proviso, by striking out the words, "each to be entitled to elect two senators," and to insert in lieu thereof the words, "having more than one senator."

Mr. TAYLOR of Assumption offered the following as a substitute for the proviso and amendment, viz :

"The legislature in any year in which they shall apportion representation in the house of representatives, shall have the power to divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district. The number of senators shall not be less than twenty-five, nor more than thirty-four, and they shall be apportioned among the senatorial districts according to the total population contained in the senatorial districts; *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators."

Mr. BRAZEALE moved that said substitute be laid on the table indefinitely; the yeas and nays being called for,

Messrs. WALKER, president; *Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Downs, Humble, McCallop, Mayo, O'Bryan, Peets, Porche, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Prudhomme, Ratliff, Read, Scott* of Feliciana, *Scott* of Madison, *Soulé, Splane, Stephens, Waddill, Wadsworth, Wederstranlt* and *Wikoff* voted in the affirmative—30 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Cènas, Chinn, Claiborne, Conrad* of New Orleans, *Culbertson, Derbes, Dunn, Huds-peth, Kenner, King, Legendre, Lewis, McRae, Marigny, Mazureau, Pugh, St. Amand, Saunders, Sellers, Taylor* of Assumption, *Taylor* of St. Landry, *Trist, Voorhies, Winchester* and *Winder* voted in the negative—29 nays; consequently said motion was carried.

Mr. KENNER then moved to lay on the table indefinitely, the proviso and amendment offered by Mr. Downs; the yeas and nays being called for,

Messrs. *Aubert, Benjamin, Bourg, Cènas, Chinn, Claiborne, Conrad of Orleans, Culbertson, Derbes, Dunn, Eustis, Garrett, Hudspeth, Kenner, King, Legendre, Lewis, Marigny, Mazureau, O'Bryan, Pugh, Ratliff, St. Amand, Saunders, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Trist, Wadsworth, Wikoff, Winchester* and *Winder* voted in the affirmative—37 yeas; and

Messrs. *Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Downs, Humble, Ledoux, McCallop, McRae, Mayo, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Feliciana, Scott of Madison, Soulé, Stephens, Voorhies, Waddill* and *Wederstrandt* voted in the negative—28 nays; consequently the motion was carried.

Mr. DOWNS then offered the following substitute, which was adopted, viz :

“And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.”

Mr. DOWNS offered the following as a substitute for the first paragraph of said section, viz :

“The State shall be divided into the following senatorial districts, and the senators to be elected shall be voted for by persons entitled to vote for representatives;” which substitute was adopted.

Mr. CONRAD of Orleans, offered the following amendment to the substitute of Mr. Downs, viz :

“Who, during the last six months, shall have paid, or at the time of election shall be liable to pay a State tax of one dollar.”

Mr. BRENT moved that said amendment be laid on the table indefinitely; and the yeas and nays being called for,

Messrs. *Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Culbertson, Derbes, Downs, Dunn, Eustis, Garrett, Hudspeth, Humble, Kenner, King, Ledoux, Lewis, McCallop, McRea, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of*

St. Landry, Preston, Pugh, Ratliff, Read, Saunders, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wederstrandt, Wikoff and *Winder* voted in the affirmative—49 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Claiborne, Conrad of Orleans, Legendre, Mazureau, St. Amand, Taylor of St. Landry, Wadsworth* and *Winchester* voted in the negative—12 nays; consequently said motion was carried.

Mr. WADSWORTH gave notice that he would on Thursday next, move to reconsider the vote giving to the senatorial district composed of the parishes of Plaquemines, St. Bernard and right bank of the river, one senator.

Mr. DOWNS moved for the adoption of the section as amended, to wit :

SEC. 10. The State shall be divided into the following senatorial districts, and the senators to be elected shall be voted for by persons entitled to vote for representatives.

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall be divided into three senatorial districts, as follows :

The first municipality shall compose one district, with two senators;

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator.

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans on the right bank of the river, shall compose one district, with one senator.

The parish of Jefferson shall compose one district, with one senator.

The parishes of St. Charles and St. John the Baptist, shall compose one district, with one senator.

The parishes of St. James and Ascension shall compose one district, with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators.

The parishes of Iberville and West Baton Rouge, shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Point Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parishes of St. Mary and St. Martin shall compose one district, with two senators.

The parishes of Lafayette and Vermilion shall compose one district, with one senator.

The parishes of St. Landry and Calcasieu shall compose one district, with two senators.

The parish of West Feliciana shall compose one district, with one senator.

The parish of East Feliciana shall compose one district with one senator.

The parishes of St. Helena and Livingston, shall compose one district, with one senator.

The parishes of Washington and St. Tammany, shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district, with one senator.

The parishes of Morehouse, Union and Jackson, shall compose one district with one senator.

The parishes of Ouachita and Caldwell shall compose one district with one senator.

The parishes of Franklin and Catahoula shall compose one district, with one senator.

The parish of Rapides shall compose one district, with one senator.

The parishes of Bossier and Claiborne shall compose one district, with one senator.

The parishes of Natchitoches and Sabine shall compose one district, with two senators.

The parishes of Caddo and DeSoto shall compose one district, with one senator.

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.

The yeas and nays being called for on the said adoption,

Messrs. *Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Downs, Garrett, Humble, Ledoux, McCallop, McRae, Mayo, O'Bryan, Pcets, Penn, Porche, Porter, Prescott*, of Avoyelles, *Prescott* of St. Landry, *Prudhomme, Ratliff, Read, Scott* of Feliciana, *Scott* of Madison, *Splane, Stephens, Waddill, Wederstrandt* and *Wilkoff* voted in the affirmative—31 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Cénas, Chinn, Claiborne, Conrad* of Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, Dunn, Eustis, Garcia, Hudspeth, Kenner, King, Legendre, Lewis, Marigny, Mazureau, Preston, Pugh, St. Amand, Saunders, Sellers, Soulé, Taylor* of Assumption, *Taylor* of St. Landry, *Trist, Voorhies, Wadsworth, Winchester* and *Winder* voted in the negative—34 nays; consequently said motion was lost.

On motion the Convention adjourned till to-morrow, at 10 o'clock, a. m.

NOTE—Members absent, Messrs. *Briant, Covillion, Hynson*, and *Scott* of Baton Rouge, absent on leave; Messrs. *Guion* and *Leonard* absent on account of illness; and Messrs. *Boudousquie, Grymes, Labauve, Roman* and *Roselius*, did not appear in their seats.

TUESDAY, April 1, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. SCOTT opened the proceedings with prayer.

Mr. KERR, one of the English reporters, furnished the printers' receipt for the reports of the debates of the 27th March.

Mr. CHINN, who had voted in the majority against the adoption of section 10th, article 2d, dividing the State into senatorial districts, gave notice that he would move for the reconsideration of the section.

Mr. RATLIFF, of the committee of contingent expenses, made the following report:

The committee on contingent expenses, to whom was referred the resolution of the Convention of the 31st March, instructing them to report to the Convention how much money has been paid to the printers of the Convention, and the amount paid to each, submit the following report:

By application to the treasury department, we find that the sum of five thousand

and seventy-four dollars have been paid for printing since the Convention commenced its sitting in Jackson, including \$100 paid to Jerome Bayon for 500 copies of the Journals of the Convention of 1811 and '12; to wit: Three thousand four hundred and seventy-four dollars to James Kelly; to Besangon & Ferguson, one thousand dollars; to Jerome Bayon, five hundred dollars. One half of one thousand dollars paid to Besangon & Ferguson is on account of extra printing. There has been nothing paid to Jerome Bayon, as yet, for extra printing; he not having presented any account to the committee.

All of which is respectfully submitted.

CYRUS RATLIFF,

Chairman Committee.

EXPENSES OF THE STATE CONVENTION FOR
PRINTING, AND FOR COPIES OF JOUR-
NALS, &c.

Paid J. A. Kelly, printer, on account of services, as per resolution of 12th August, 1844,	\$1000 00
Paid Jerome Bayon, for 500 copies of Journal of 1811-12,	100 00
Paid J. A. Kelly, printer, on account of services, as per resolution of 24th August, 1844,	500 00
Paid J. A. Kelly, printer, 22d January, 1845,	350 00
Paid J. A. Kelly, printer, for copies of Journal, 22d January, 1845,	150 00
Paid Besangon, Ferguson & Co., for copies of Jeffersonian, 27th January, 1845,	500 00
Paid Jerome Bayon, for copies of Courier, 27th Jan., 1845,	500 00
Paid J. A. Kelly, late printer, balance for services, 8th February, 1845,	1474 00
Paid Besangon, Ferguson & Co., warrant favor J. P. Benjamin, for printing, 15th February, 1845,	500 00
	<hr/>
	\$5074 00

Mr. WADSWORTH gave notice that on the reconsideration of section 10th being granted, he would move to refer the same to a committee of five, with instructions.

With a view of furnishing the members an opportunity of conferring together on the subject of the 10th section, Mr. TAY-

LOR of Assumption moved for a recess of a half hour.

Mr. CONRAD of Orleans moved to amend the motion, and extend the recess to one hour; the amendment was lost.

The Convention went into recess for one half hour.

The half hour having expired, the PRESIDENT called the Convention to order.

Mr. VOORHIES moved to reconsider the 10th section, 2d article.

Mr. CONRAD of Orleans inquired of the President what would be the effect of the reconsideration, if granted.

The PRESIDENT replied that it would bring before the house the whole section, liable to modification and amendment, as it was when the question for adoption was put and lost.

The question of reconsideration was put and carried.

SEC. 10. The State shall be divided into the following senatorial districts, and the senators to be elected shall be voted for by persons entitled to vote for representatives.

All that portion of the parish of Orleans, lying on the east side of the Mississippi river, shall be divided into three senatorial districts, as follows:

The first municipality shall compose one district, with two senators.

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator.

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans on the right bank of the river, shall compose one district, with one senator.

The parish of Jefferson shall compose one district, with one senator.

The parishes of St. Charles and St. John the Baptist shall compose one district, with one senator.

The parishes of St. James and Ascension shall compose one district with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators.

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Point Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parishes of St Mary and St. Martin shall compose one district, with two senators.

The parishes of Lafayette and Vermilion shall compose one district, with one senator.

The parishes of St. Landry and Calcasieu shall compose one district, with two senators.

The parish of West Feliciana shall compose one district, with one senator.

The parish of East Feliciana shall compose one district, with one senator.

The parishes of St. Helena and Livingston shall compose one district, with one senator.

The parishes of Washington and St. Tammany shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district with one senator.

The parishes of Morehouse, Union and Jackson shall compose one district, with one senator.

The parishes of Ouachita and Caldwell shall compose one district, with one senator.

The parishes of Franklin and Catahoula shall compose one district, with one senator.

The parish of Rapides shall compose one district, with one senator.

The parishes of Bossier and Claiborne shall compose one district, with one senator.

The parishes of Natchitoches and Sabine shall compose one district with two senators.

The parishes of Caddo and De Soto shall compose one district, with one senator.

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.

Mr. BRAZEALE, who had voted in the

majority to lay indefinitely on the table the amendment offered by Mr. Taylor of Assumption, establishing a basis of apportionment and empowering the legislature to divide the State into senatorial districts, moved for the reconsideration of the amendment. The motion prevailed.

The legislature in any year in which they shall apportion representation in the house of representatives, shall have the power to divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district. The number of senators shall not be less than twenty-five nor more than thirty-four, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators.

Mr. BENJAMIN moved to strike out the words "have the power to." His motion prevailed.

Mr. MAYO moved to strike out the words "total population." The yeas and nays being called for,

Messrs. *Brazcale, Brent, Brumfield, Burton, Carriere, Downs, Garrett, Hudspeth, Humble, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Prudhomme, Ratliff, Read, Scott* of Baton Rouge, *Scott* of Feliciana, *Stephens, Waddill, Wederstrandt* and *Wikoff* voted in the affirmative—28 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Cènas, Chambliss, Chinn, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, Dunn, Eustis, Kenner, Labauve, Legendre, Mazureau, Preston, Pugh, Roman, St. Amand, Saunders, Scott* of Madison, *Sellers, Splane, Taylor* of Assumption, *Taylor* of St. Landry, *Voorhies, Wadsworth, Winchester* and *Winder* voted in the negative—34 nays; consequently the motion was lost.

Mr. LEWIS moved to add after the words "total population," the words "territory equally."

Mr. DOWNS moved to amend Mr. Lewis' amendment by adding after the words "territory equally," the words "sea marshes, marshes, uninhabitable swamps, and sand banks excepted;" and on the adoption of

his amendment, the yeas and nays being called for,

Messrs. *Brazeale, Brent, Brumfield, Carriere, Chambliss, Downs, Humble, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Taylor of Assumption, and Wederstrandt* voted in the affirmative—23 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garrett, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mazureau, O'Bryan, Penn, Prescott of St. Landry, Preston, Pugh, Roman, St. Amand, Sellers, Splane, Stephens, Taylor of St. Landry, Voorhies, Wadsworth, Waddill, Wikoff, Winchester and Winder* voted in the negative—39 nays; consequently said amendment was lost.

On the motion for the adoption of Mr. Lewis' amendment, the yeas and nays were called for, and

Messrs. *Brazeale, Brent, Brumfield, Carriere, Chambliss, Downs, Garrett, Hudspeth, Humble, King, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Madison, Stephens, Taylor of St. Landry, Wederstrandt, Wikoff and Winder* voted in the affirmative—30 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Boudousque, Burton, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Kenner, Labauve, Ledoux, Mazureau, Preston, Pugh, Roman, St. Amand, Saunders, Scott of Feliciana, Sellers, Splane, Taylor of Assumption, Voorhies, Waddill, Wadsworth and Winchester* voted in the negative—32 nays; consequently said amendment was lost.

Mr. PENN moved that the Convention adjourn till to-morrow at 10 o'clock, a. m. On the adoption of his motion the yeas and nays being called for,

Messrs. *Brazeale, Brumfield, Carriere, Downs, Garrett, Hudspeth, Humble, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff,*

Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wadsworth, Wederstrandt and Wikoff voted in the affirmative—30 yeas; and

Messrs. *Aubert, Benjamin, Beatty, Boudousquie, Burton, Cénas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Kenner, King, Labauve, Ledoux, Legendre, Mazureau, Preston, Pugh, Roman, St. Amand, Saunders, Sellers, Splane, Voorhies, Winchester and Winder* voted in the negative—31 nays; consequently the motion was lost.

Mr. MAYO moved to amend Mr. Taylor's amendment, by inserting before the word "population" the word "white," and after the word "population" to insert the words and "three-fifths of the slaves."

Mr. BEATTY then moved for the previous question.

Before putting this question,

On motion, the Convention adjourned till to-morrow, at 10 o'clock, a. m.

WEDNESDAY, April 2, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. HINTON opened the proceedings with prayer.

Mr. Isley, one of the English reporters, furnished the printers' receipt for the report of the debates of the 31st March.

Mr. BEATTY submitted the following resolution, amendatory of the rules.

"Resolved, that all motions to lay on the table, shall be decided without debate."

"Resolved, That when the demand of the previous question is sustained by the house, it shall proceed immediately to vote on all the amendments that may be offered, and then on the main question without debate."

And moved that the rules be dispensed with, and that the committee take up the said resolution. His motion did not prevail.

On motion, leave of absence was granted to Mr. Chambliss for a few days.

ORDER OF THE DAY.

ART. II. Sec. 10. The State shall be divided into the following senatorial districts, and the senators to be elected, shall be voted for by persons entitled to vote for representatives.

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall be divided into three senatorial districts, as follows :

The first municipality shall compose one district, with two senators.

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator.

The parish of Plaquemines, St. Bernard and that portion of the parish of Orleans on the right bank of the river, shall compose one district, with one senator.

The parish of Jefferson shall compose one district, with one senator.

The parishes of St. Charles and St. John the Baptist, shall compose one district, with one senator.

The parishes of St. James and Ascension, shall compose one district, with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne, shall compose one district, with two senators.

The parishes of Iberville, and West Baton Rouge shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Point Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parishes of St. Mary and St. Martin shall compose one district, with two senators.

The parishes of Lafayette and Vermilion shall compose one district, with one senator.

The parishes of St. Landry and Calcasieu shall compose one district, with two senators.

The parish of West Feliciana shall compose one district with one senator.

The parish of East Feliciana shall compose one district, with one senator.

The parishes of St. Helena and Livingston shall compose one district, with one senator.

The parishes of Washington and St. Tammany shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district, with one senator.

The parishes of Morehouse, Union and Jackson shall compose one district, with one senator.

The parishes of Ouachita and Caldwell shall compose one district, with one senator.

The parishes of Franklin and Catahoula shall compose one district, with one senator.

The parishes of Rapides shall compose one district, with one senator.

The parishes of Bossier and Claiborne shall compose one district, with one senator.

The parishes of Natchitoches and Sabine shall compose one district, with two senators.

The parishes of Caddo and De Soto shall compose one district, with one senator.

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.

Amendment offered by Mr. TAYLOR of Assumption, and under debate at the adjournment.

The legislature, in any year in which they shall apportion representation in the house of representatives, shall have the power to divide the State into senatorial districts. No parish shall be divided, in the formation of a senatorial district. The number of senators shall not be less than twenty-five, nor more than thirty-four; and they shall be apportioned among the senatorial districts according to the total population contained in the several districts. *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators.

Mr. DOWNS moved to add before the words "the legislature," the words "after the year 1855."

Mr. BEATTY called for the previous question."

On the question, "shall the previous question be now put?" the yeas and nays were called for. Mr. SAUNDERS in the chair.

Messrs. Beatty, Chinn, Conrad of Jeffer-

son, Dunn, Kenner, Labaue, Legendre, Mazureau, Preston, Pugh and St. Amand voted in the affirmative—11 yeas; and

Messrs. Aubert, Boudousquie, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Cénas, Claiborne, Culbertson, Derbes, Downs, Eustis, Garrett, Guion, Hudspeth, Humble, Ledoux, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prudhomme, Ratliff, Read, Roman, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Wikoff, Winchester and Winder voted in the negative—48 nays; consequently said motion was lost.

On the adoption of Mr. Downs' amendment, the yeas and nays were called for. Mr. SAUNDERS in the chair.

Messrs. Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Claiborne, Downs, Garrett, Humble, King, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott St. Landry, Prudhomme, Ratliff, Read, Roman, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt, Wikoff and Winchester voted in the affirmative—35 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Cénas, Chinn, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Guion, Hudspeth, Kenner, Labaue, Ledoux, Legendre, Lewis, Mazureau, Preston, Pugh, Sellers, Stephens, Trist, Wadsworth and Winder voted in the negative—27 nays; consequently said motion was adopted.

Mr. MAYO moved to amend Mr. Taylor's amendment by adding before the word "population," the word "white," and after the word "population" the words "three-fifths of the slaves."

Mr. CLAIBORNE called for the previous question.

On the question, "shall the previous question be now put?" the yeas and nays were called for.

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brent, Brumfield, Carriere, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Gar-

cia, Guion, Kenner, King, Labaue, Legendre, McCallop, Mazureau, Preston, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Winchester and Winder voted in the affirmative—44 yeas; and

Messrs. Brazeale, Burton, Cade, Garrett, Hudspeth, Humble, Lewis, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Read, Scott of Madison, Stephens, Waddill, Wederstrandt and Wikoff voted in the negative—22 nays; consequently said motion prevailed, on the adoption of Mr. Taylor's amendment as amended, viz :

After the year 1845, the legislature, in any year in which they shall apportion representation in the house of representatives, shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district. The number of senators shall not be less than twenty-five nor more than thirty-four, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators.

The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Brent, Cade, Carriere, Cénas, Chinn, Claiborne, Conrad of Orleans, Culbertson, Derbes, Downs, Eustis, Garcia, Garrett, Guion, Kenner, King, Labaue, McCallop, Mazureau, O'Bryan, Prudhomme, Pugh, Roman, Roselius, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Winchester and Winder voted in the affirmative—40 yeas; and

Messrs. Beatty, Brazeale, Brumfield, Burton, Conrad of Jefferson, Dunn, Hudspeth, Humble, Legendre, Lewis, McRae, Mayo, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Saunders, Stephens, Waddill, Wadsworth and Wederstrandt voted in the negative—26 nays; consequently said amendment was adopted.

Mr. PRESTON moved to amend the tenth section, second article, by giving to the

parish of Jefferson "two" members instead of "one."

Pending the discussion, on motion, the Convention adjourned till to-morrow at 10 o'clock, a. m.

NOTE.—Members absent, Messrs. Chambliss, Covillion, Briant and Hynson, absent on leave. Mr. Leonard, absent on account of illness; and Messrs. Grymes, Marigny, Porche and Soulé, did not appear in their seats.

THURSDAY, April 3, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. HINTON opened the proceedings by prayer.

Mr. KER, one of the English reporters, furnished the printers' receipts for the reports of the debates of the 29th March and of the 1st of April.

Mr. TAYLOR of Assumption, of the committee of revision, presented the following report:

The committee of revision, to whom the third article of the amended constitution was referred, have had the same under consideration, and now beg leave to report:

That they recommend that the words "created by law," in the seventh line of the second section should be struck out.

That section third be changed so as to read as follows:

"No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty-five years, been fifteen years a citizen of the United States, and a resident within this State for the same space of time next preceding his election."

That the section numbered as section ten of the constitution of 1812, shall be changed by striking out the word "up" in the second line.

That the section now numbered as section twelve, be changed by adding before the first word, the words "there shall be," and striking out in the second, third, fourth, and fifth lines, the words "shall be nominated and appointed by the Governor, with the advice and consent of the senate, and commissioned." So that the section will then read,

"There shall be a Secretary of State to hold his office during the time for which

the Governor shall have been elected." And the remainder of it as in the section already adopted.

Your committee further recommend that the sections of the third article be numbered in the order in which they are now arranged.

REVISED SECTIONS.

SEC. 2. The citizens entitled to vote for representatives, shall vote for a Governor and Lieutenant Governor, at the time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer, to the Secretary of State, who shall deliver them to the speaker of the house of representatives, on the second day of the session of the general assembly then next to be holden. The members of the general assembly shall meet in the house of representatives, to examine and count the votes. The person having the greatest number of votes for Governor shall be declared duly elected, but if two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall be immediately chosen Governor by joint vote of the general assembly. The person having the greatest number of votes for Lieutenant Governor shall be Lieutenant Governor; but if two or more persons shall be equal and highest in the number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor, by joint vote of the members of the generally assembly.

SEC. 3. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have attained the age of thirty-five years, been fifteen years a citizen of the United States, and a resident within this State for the same space of time next preceding his election.

SEC. 14. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this constitution.

SEC. 21. There shall be a Secretary of State, to hold his office during the time for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the secretary. He shall keep a fair register of

the official acts and proceedings of the Governor, and when necessary shall attest them. He shall, when required, lay the said register and all papers, minutes and vouchers relative to his office, before either house of the general assembly, and shall perform such other duties as may be enjoined on him by law.

ARTICLE THIRD.

SEC. 1st. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and together with the Lieutenant Governor, chosen for the same term, be elected as follows:

SEC. 2. The citizens entitled to vote for representatives, shall vote for Governor and Lieutenant Governor, at the time and place of voting for representatives. The returns of every election shall be sealed up and transmitted by the proper returning officer created by law, to the secretary of State, who shall deliver them to the speaker of the house of representatives, and on the second day of the session of the General Assembly then next to be holden, the members of the General Assembly shall meet in the house of representatives to examine and count the votes. The person having the greatest number of votes for Governor shall be declared duly elected. But if two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall be immediately chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor, shall be Lieutenant Governor, but if two or more persons shall be equal and highest in the number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor, by joint vote of the members of the General Assembly.

SEC. 3. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have attained the age of thirty-five years, and has not been fifteen years a free white male citizen of the United States, and of this State next preceeding his election.

SEC. 4. The Governor shall enter into the discharge of his duties on the fourth

Monday of the January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected, and his successor shall have taken the oath of affirmation prescribed by this constitution.

SEC. 5. No member of Congress or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of Governor or Lieutenant Governor.

SEC. 6. The Governor shall have power to grant reprieves for all offences against the State, and except in cases of impeachment, shall, with the consent of the senate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason, he may grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

SEC. 7. The Governor shall at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 8. He shall be commander in chief of the army and navy of this State, and of the militia thereof, except when they shall be called into the service of the United States.

SEC. 9. In case of the impeachment of the governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the power and duties shall devolve upon the lieutenant governor for the residue of the term, or until the governor, absent or impeached, shall return or be acquitted. The legislature may provide by law for the case of removal, the impeachment, death, resignation, disability or refusal to qualify, of both the governor and lieutenant governor, declaring what officer shall act as governor, and such officer shall act accordingly, until the disability be removed, or for the residue of the term.

SEC. 10. The lieutenant governor, or other officer discharging the duties of governor, shall, during his administration, receive the same compensation to which the governor would have been entitled, had he continued in office.

SEC. 11. The lieutenant governor shall, by virtue of his office, be president of the

senate, but shall have only a casting vote therein. Whenever he shall administer the government, or shall be unable to attend as president of the senate, the senators shall elect one of their own members as president of the senate for the time being.

SEC. 12. While he acts as president of the senate, the lieutenant governor shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more.

SEC. 13. He shall nominate and appoint, with the advice and consent of the senate, all officers whose offices are established by this constitution, and whose appointments are not otherwise provided for; *provided however*, that the legislature shall have a right to prescribe the mode of appointment to all other offices to be established by law.

SEC. 14. The governor shall have power to fill up vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this constitution.

SEC. 15. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 16. He shall, from time to time, give to the general assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

SEC. 17. He may, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from contagious disorders; and in case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them to such a time as he may think proper, not exceeding four months.

SEC. 18. He shall take care that the laws be faithfully executed.

SEC. 19. Every bill which shall have passed both houses shall be presented to the governor; if he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journal, and proceed to

reconsider it. If, after such reconsideration, two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law, in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

SEC. 20. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him; or being disapproved, shall be re-passed by two-thirds of both houses.

SEC. 21. A Secretary of State shall be nominated and appointed by the governor, by and with the advice and consent of the senate, and commissioned to hold his office during the term for which the governor shall have been elected. The records of the State shall be kept and preserved in the office of secretary of State. He shall keep a fair register of the official acts and proceedings of the governor, and when necessary shall attest them. He shall, when required, lay the said register and all papers, minutes and vouchers, relative to his office, before either house of the general assembly, and shall perform such other duties as may be enjoined on him by law.

SEC. 22. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal, and signed by the governor.

SEC. 23. The free white men of this State shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled so to do, but

shall pay an equivalent for personal services.

SEC. 24. The militia of this State shall be organized in such manner as may be hereafter deemed most expedient by the legislature.

On motion of Mr. BEATTY, said report was laid on the table, until printed.

Mr. BEATTY called up the resolution amendatory to the rules, to wit :

1. "*Resolved*, That all motions to lay on the table, shall be decided without debate."

Mr. DOWNS moved to amend by inserting after the words "lay on the table," the words "subject to call;" the amendment was adopted, and the resolution as amended was adopted.

2. "*Resolved*, That when the demand of the previous question is sustained by the house, it shall proceed immediately to vote on all the amendments that may be offered, and then on the main question, without debate." Adopted.

ORDER OF THE DAY.

ART. II. Sec. 10. The State shall be divided into the following senatorial districts, and the senators to be elected shall be voted for by persons entitled to vote for representatives.

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall be divided into three senatorial districts, as follows, viz :

The first municipality shall compose one district, with two senators.

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator.

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans on the right bank of the river, shall compose one district, with one senator.

The parish of Jefferson shall compose one district, with one senator.

The parishes of St. Charles and St. John the Baptist shall compose one district, with one senator.

The parishes of St. James and Ascension shall compose one district, with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators.

The parishes of Iberville and West Ba-

ton Rouge shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Pointe Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parishes of St. Mary and St. Martin shall compose one district, with two senators.

The parishes of Lafayette and Vermilion shall compose one district, with one senator.

The parishes of St. Landry and Calcasieu shall compose one district, with two senators.

The parish of West Feliciana shall compose one district, with one senator.

The parish of East Feliciana shall compose one district, with one senator.

The parishes of St. Helena and Livingston, shall compose one district, with one senator.

The parishes of Washington and St. Tammany shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district, with one senator.

The parishes of Morehouse, Union and Jackson shall compose one district, with one senator.

The parishes of Ouachita and Caldwell shall compose one district, with one senator.

The parishes of Franklin and Catahoula shall compose one district, with one senator.

The parish of Rapides shall compose one district, with one senator.

The parishes of Bossier and Claiborne shall compose one district, with one senator.

The parishes of Natchitoches and Sabine shall compose one district, with two senators.

The parishes of Caddo and De Soto shall compose one district, with one senator.

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was

taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.

"After the year 1855, the legislature in any year in which they shall apportion representation in the house of representatives, shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district. The number of senators shall not be less than twenty-five, nor more than thirty-four, and they shall be apportioned among the senatorial districts according to the total population contained in the senatorial districts; *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators."

Mr. BENJAMIN moved to lay on the table subject to call, Mr. Preston's motion to allow "two senators" to Jefferson. His motion prevailed.

Mr. BENJAMIN moved that the number of senators be fixed at thirty-two.

Mr. PORTER moved to amend Mr. Benjamin's motion by saying "thirty-three," instead of "thirty-two." On the adoption of his motion, the yeas and nays were called for.

Messrs. *Brazeale, Brent, Burton, Carriere, Downs, Garrett, Humble, McCallop, McRea, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane and Wederstrandt* voted in the affirmative—24 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Boudousquie, Brumfield, Cade, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, Preston, Pugh, Ratliff, Roman, St. Amand, Saunders, Soulé, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Winchester and Winder* voted in the negative—43 nays; consequently said amendment was lost.

Mr. DOWNS moved to lay on the table Mr. BENJAMIN's amendment to limit the number of senators to thirty-two.

On the adoption of Mr. Downs' motion, the yeas and nays were called for,

Messrs. *Brazeale, Brent, Burton, Cade,*

Carriere, Downs, Garrett, Humble, Legendre, McCallop, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Waddill and Wederstrandt voted in the affirmative—28 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brumfield, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Lewis, Marigny, Mazureau, Pugh, Ratliff, Roman, St. Amand, Saunders, Sellers, Soulé, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wikoff, Winchester and Winder* voted in the negative—40 nays; consequently said motion was lost.

On the adoption of Mr. Benjamin's amendment, the yeas and nays were called for,

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brumfield, Cade, Carriere, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Lewis, McCallop, Marigny, Mazureau, Preston, Pugh, Ratliff, Roman, St. Amand, Saunders, Scott of Baton Rouge, Soule, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wikoff, Winchester and Winder* voted in the affirmative—46 yeas; and

Messrs. *Brazeale, Brent, Burton, Downs, Garrett, Humble, Legendre, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Feliciana, Scott of Madison, Sellers, Splane and Wederstrandt* voted in the negative—22 nays; consequently said amendment was adopted, and the number of senators was limited to thirty-two.

Mr. DOWNS moved as a substitute for the whole of section ten now before the Convention, the section numbered ten in the report of the majority of the legislative committee.

SEC. 10. The State shall be divided into eight senatorial districts, each of which shall elect four senators, to be voted for by persons entitled to vote for representatives, as follows:

All that portion of the parish of Orleans lying on the east side of the Mississippi river shall compose the first district.

The parishes of Plaquemines and St. Bernard, and the remainder of the parish of Orleans, parish of Jefferson, St. Charles and St. John the Baptist shall compose the second district.

The parishes of St. James, Ascension, Assumption, Lafourche Interior and Terrebonne, shall compose the third district.

The parishes of Iberville, West Baton Rouge, East Baton Rouge, Pointe Coupée and Avoyelles shall compose the fourth district.

The parishes of West Feliciana, East Feliciana, Washington, St. Tammany, St. Helena and Livingston shall compose the fifth district.

The parishes of Concordia, Carroll, Madison, Ouachita, Union, Franklin, Tensas, Morehouse, Catahoula, and Caldwell shall compose the sixth district.

The parishes of Rapides, Natchitoches, Caddo, Calcasieu, Claiborne, Sabine, Bossier and De Soto, shall compose the seventh district.

The parishes of St. Mary, St. Martin, St. Landry, Lafayette and Vermillion, shall compose the eighth district.

Provided, That the legislature shall have the power in any year in which they shall apportion representation in the house of representatives, to divide any one or more of said senatorial districts, each to be entitled to elect two senators.

Mr. TAYLOR of Assumption moved to lay indefinitely on the table the said substitute.

On the adoption of his motion the yeas and nays were called for,

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Brent, Brumfield, Burton, Cade, Carriere, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Garrett, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Lewis, McCallop, Marigny, Mayo, Mazureau, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill,

Wederstrandt, Wikoff, Winchester and Winder voted in the affirmative—57 yeas; and

Messrs. Beatty, Brazeale, Downs, Eustis, Humble, Legendre, McRae, O'Bryan, Preston and Splane, voted in the negative—10 nays; consequently the motion prevailed.

Mr. BENJAMIN offered the following resolution, and moved its adoption.

Resolved, that the thirteen parishes of Natchitoches, Sabine, De Soto, Caddo, Claiborne, Bossier, Jackson, Union, Morehouse, Ouachita, Caldwell, Franklin and Catahoula, shall have but five senators.

The yeas and nays were called for and gave the following result:

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brumfield, Burton, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, King, Labauve, Ledoux, Legendre, Lewis, McCallop, Marigny, Mazureau, Pugh, Ratliff, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Soulé, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth, Wikoff, Winchester and Winder, voted in the affirmative—46 yeas; and

Messrs. Brazeale, Brent, Cade, Carriere, Downs, Garrett, Humble, McRae, Mayo, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prudhomme, Read, Sellers, Splane, Stephens, and Wederstrandt, voted in the negative—20 nays; consequently said resolution was adopted.

Mr. BRAZEALE stated to the Convention that the delegates from the parishes of Natchitoches, Sabine, DeSoto, Caddo, Claiborne and Bossier, had agreed to the following distribution of senators for these parishes, viz:

Parish of Natchitoches, one senator; Sabine, DeSoto and Caddo, one senator; Claiborne and Bossier, one senator.

The Convention adopted this distribution.

Mr. DOWNS stated to the Convention that the delegates from the parishes of Jackson, Union, Morehouse, Ouachita, Caldwell, Franklin and Catahoula had met, and had agreed but with one dissenting voice to the following distribution among these parishes, viz:

Parishes of Jackson, Union, Morehouse, Ouachita and Caldwell, one senator; Franklin and Catahoula, one senator.

Mr. GARRETT moved to add the parish of Caldwell to the parishes of Franklin and Catahoula.

The debate was suspended, and Mr. DOWNS moved for the reconsideration of the amendment offered by Mr. Taylor of Assumption, empowering the legislature to reapportion the senators, on the basis of total population; the reconsideration to be taken up to-morrow.

On motion the Convention adjourned till to-morrow at 10 o'clock, a. m.

NOTE.—Members absent, Messrs. Briant, Chambliss, Covillion and Hynson, absent on leave; Mr. Leonard absent on account of illness, and Mr. Porche did not appear in his seat.

FRIDAY, April 4, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings with prayer.

The reporters did not furnish the printers' receipt for the report of the debates.

Mr. GARRETT moved to reconsider the vote given yesterday, allowing to the parishes of Claiborne and Bossier one senator.

On the adoption of this motion the yeas and nays were called for:

Messrs. *Aubert, Benjamin, Boudousquie, Bourg, Brumfield, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Garrett, Guion, Kenner, King, Labauve, Legendre, Mazureau, Penn, Roman, Roselius, St. Amand, Saunders, and Winder* voted in the affirmative—26 yeas; and

Messrs. *Beatty, Brazeale, Burton, Cade, Carriere, Downs, Eustis, Hudspeth, Humble, Ledoux, Lewis, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt, Wikoff and Winchester* voted in the negative—40 nays; consequently said motion was lost.

ORDER OF THE DAY.

SEC. 10. The State shall be divided into the following senatorial districts, and the senators to be elected shall be voted for by persons entitled to vote for representatives.

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall be divided into three senatorial districts, as follows:

The first municipality shall compose one district, with two senators.

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator.

The parish of Plaquemines, St. Bernard and that portion of the parish of Orleans on the right bank of the river, shall compose one district, with one senator.

The parish of Jefferson shall compose one district, with one senator.

The parishes of St. Charles and St. John the Baptist, shall compose one district, with one senator.

The parishes of St. James and Ascension, shall compose one district, with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne, shall compose one district, with two senators.

The parishes of Iberville, and West Baton Rouge shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Point Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parishes of St. Mary and St. Martin shall compose one district, with two senators.

The parishes of Lafayette and Vermilion shall compose one district, with one senator.

The parishes of St. Landry and Calcasieu shall compose one district, with two senators.

The parish of West Feliciana shall compose one district with one senator.

The parish of East Feliciana shall compose one district, with one senator.

The parishes of St. Helena and Livings-

ton shall compose one district, with one senator.

The parishes of Washington and St. Tammany shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district, with one senator.

The parishes of Morehouse, Union and Jackson shall compose one district, with one senator.

The parishes of Ouachita and Caldwell shall compose one district, with one senator.

The parishes of Franklin and Catahoula shall compose one district, with one senator.

The parishes of Rapides shall compose one district, with one senator.

The parishes of Bossier and Claiborne shall compose one district, with one senator.

The parishes of Natchitoches and Sabine shall compose one district, with two senators.

The parishes of Sabine Caddo and De Soto shall compose one district, with one senator.

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.

After the year 1855, the legislature in every year in which they shall apportion representation in the house of representatives, shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district. The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators.

Mr. Humble's motion to form into one district the parishes of Jackson, Union, Morehouse, Ouachita and Caldwell, with one senator, and Mr. Downs' motion to reconsider Mr. Taylor's amendment empowering the legislature to apportion the

senate, and fixing the basis of apportionment on "total population."

The Convention took up Mr. Humble's amendment, viz:

The parishes of Jackson, Union, Morehouse, Ouachita and Caldwell shall compose one district, with one senator.

Mr. GARRETT offered the following substitute, viz:

The parishes of Jackson, Union, Morehouse and Ouachita shall form one district, with one senator.

The parishes of Caldwell, Franklin and Catahoula, one district, with one senator.

Mr. Humble moved to lay on the table indefinitely Mr. Garrett's substitute.

On the adoption of his motion the yeas and nays were called for:

Messrs. *Brazeale, Brent, Burton, Cade, Carriere, Downs, Humble, Ledoux, McRae, Marigny, Mayo, O'Bryan Peets, Penn, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Preston, Ratliff, Read, Scott* of Baton Rouge, *Scott* of Feliciana, *Soulé, Splane, Stephens, Voorhies, Waddill* and *Wederstrandt* voted in the affirmative—28 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brumfield, Chinn, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, Dunn, Eustis, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Scott* of Madison, *Sellers, Taylor* of Assumption, *Taylor* of St. Landry, *Trist, Wikoff, Winchester* and *Winder* voted in the negative—36 nays; consequently the motion was lost.

On the adoption of Mr. Garrett's substitute the yeas and nays were called:

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brumfield, Chinn, Claiborne, Conrad* of Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Scott* of Madison, *Sellers, Taylor* of Assumption, *Taylor* of St. Landry, *Trist, Wikoff, Winchester* and *Winder* voted in the affirmative—37 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Carriere, Downs, Humble, Ledoux, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott* of Avoyelles, *Pres-*

cott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Soulé, Splane, Voorhies, Waddill and Wederstrandt voted in the negative—27 nays; consequently said substitute was adopted.

Mr. DOWNS moved to reconsider Mr. Taylor's amendment fixing the basis of "total population" for senatorial representation.

His motion prevailed.

Mr. DOWNS then moved to strike out the words "after the year 1855;" his motion prevailed.

Mr. O'BRYAN moved to strike out the words "total population" and insert the words "basis of electors."

The PRESIDENT decided his motion to be out of order, because the question had already been decided.

Mr. DOWNS offered the following amendment, to be incorporated with the fourth section.

"In all future apportionments of the senate, the population of New Orleans on the left bank of the river descending shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the quotient or result produced by this division shall be the population entitling a parish or other senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the divisor, and if a parish or district cannot be allowed a senator without a fraction of one third over or under the ratio, then a district may be formed having not more than two senators, but not otherwise. Whenever the election under a new apportionment shall have taken place, the seats of all the senators under the old apportionment shall become vacant, without regard to the time they had served. All apportionments for senators made not in strict conformity to this section, shall be null and void, and after the census has been taken, and the general assembly convened, it shall not be competent for the legislature to do any business, except its own organization, until an apportionment is made in strict conformity to this rule, and all acts and proceedings of the then existing legislature, or any subsequent one, under an apportionment not in strict conformity to this constitution shall be null and void.

On motion of Mr. BENJAMIN, said amendment was laid on the table subject to call, and was ordered to be printed.

Mr. PRESTON moved to reconsider the vote given on that part of Mr. Taylor's amendment, fixing the "total population" as the basis of the senatorial apportionment, with a view of inserting in lieu thereof "the electors" as the basis.

On motion of Mr. TAYLOR of Assumption, the rules were dispensed with, and the Convention proceeded to vote by yeas and nays on the reconsideration.

Messrs. *Brazcale, Brumfield, Burton, Cade, Carriere, Downs, Humble, Ledoux, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porter, Prescott, of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Stephens, Waddill and Wederstrandt* voted in the affirmative 24 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brent, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Huds-peth, King, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, Saunders, Scott of Feliciana, Sellers, Soulé, Splane, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wikoff, Winchester and Winder* voted in the negative—37 nays; consequently said motion was lost.

Mr. Lewis moved to strike out the following, to-wit:

"All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall be divided into three senatorial districts, as follows:

The first municipality shall compose one district, with one senator.

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator;" and to substitute all that portion of the parish of Orleans, lying on the east side of the Mississippi river, shall compose one senatorial district, and shall elect four senators.

Pending the discussion, on motion, the Convention adjourned till to-morrow at 11 o'clock a. m.

NOTE.—Members absent: Messrs. Briant, Chambliss, Covillion and Hynson, absent on leave. Mr. Leonard, absent on account of illness; and Messrs. Grymes, McCallop and Porche, did not appear in their seats.

SATURDAY, April 5, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings with prayer.

The reporters of the debates in English, did not furnish the printers' receipts.

Mr. LEWIS moved that the Convention remove Mr. Ilsley, one of the English reporters, from office.

On motion of Mr. SOULE, said motion was laid on the table subject to call.

ORDER OF THE DAY.

SEC. 10. The State shall be divided into the following senatorial districts, and the senators to be elected shall be voted for by persons entitled to vote for representatives.

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall be divided into three senatorial districts, as follows:

The first municipality shall compose one district with two senators.

The second municipality shall compose one district with one senator.

The third municipality shall compose one district with one senator.

The parish of Plaquemines, St. Bernard and that portion of the parish of Orleans on the right bank of the river, shall compose one district with one senator.

The parish of Jefferson shall compose one district with one senator.

The parishes of St. Charles and St. John the Baptist, shall compose one district, with one senator.

The parishes of St. James and Ascension shall compose one district, with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne, shall compose one district, with two senators.

The parishes of Iberville and West Baton Rouge, shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Point Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parishes of St. Mary and St. Martin shall compose one district, with two senators.

The parishes of Lafayette and Vermil-

lion shall compose one district, with one senator.

The parishes of St. Landry and Calcasieu shall compose one district, with two senators.

The parish of West Feliciana shall compose one district, with one senator.

The parish of East Feliciana shall compose one district, with one senator.

The parishes of St. Helena and Livingston shall compose one district, with one senator.

The parishes of Washington and St. Tammany shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district, with one senator.

The parishes of Jackson, Union, Morehouse and Ouachita, shall compose one district, with one senator.

The parishes of Caldwell, Franklin and Catahoula, shall compose one district, with one senator.

The parish of Rapides shall compose one district, with one senator.

The parishes of Bossier and Claiborne shall compose one district, with one senator.

The parish of Natchitoches shall compose one district, with one senator.

The parishes of Sabine, De Soto and Caddo, shall compose one district, with one senator.

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.

The legislature in every year in which they shall apportion representation in the house of representatives, shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district.

The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators.

Mr. LEWIS' motion to strike out the following words, viz:

All that portion of the parish of Orleans, lying on the east side of the Mississippi river, shall be divided into three senatorial districts, as follows:

The first municipality shall compose one district, with two senators.

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator.

And to substitute

"All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall compose one senatorial district, and shall elect four senators."—Which was under discussion at the adjournment, was taken up.

Mr. ROSELIOUS offered the following amendment to Mr. Lewis' substitute:

Provided, however, that there shall always be in the senate, at least one member residing in each municipality.

Mr. BENJAMIN moved for a call of the house, when it appeared that the following members were present:

Messrs. Joseph Walker, President, Benjamin, Brazeale, Brent, Burton, Cade, Carriere, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Humble, King, Labauve, Ledoux, Lewis, Legendre, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Preston, Pugh, Ratliff, Read, Roman, Roselius, St. Amand, Scott of Feliciana, Soule, Splane, Taylor of Assumption, Voorhies, Waddill, Wederstrandt, Winchester and Winder.

Mr. BENJAMIN moved that the Convention adjourn till Monday at ten o'clock, a. m. In the adoption of his motion, the yeas and nays were called for:

Messrs. Aubert, Benjamin, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, King, Labauve, Ledoux, Lewis, Marigny, Mazureau, Pugh, Ratliff, Read, Roman, Roselius, St. Amand, Soule, Splane, and Winchester, voted in the affirmative—31 yeas; and

Messrs. Brazeale, Burton, Cade, Carriere, Downs, Humble, Mayo, O'Bryan, Peets, Pre-

scott of Avoyelles, Preston, Saunders, Scott of Feliciana, Taylor of Assumption, Voorhies, Waddill, Wederstrandt and Winder, voted in the negative—18 nays; consequently said motion was carried, and the Convention adjourned till Monday at ten o'clock, a. m.

NOTE—Members absent: Messrs. Briant, Chambliss, Covillion and Hynson, absent on leave; Mr. Leonard absent on account of illness; and Messrs. Bourg, Grymes, McCallop and Porche, did not appear in their seats.

MONDAY, April 7, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WOOLDRIDGE opened the proceedings with prayer.

Mr. Kerr furnished the printers' receipt for the debates of the 3d of April.

On motion, leave of absence for a few days was granted to Messrs. Bourg, Ratliff and Waddill.

ORDER OF THE DAY.

Section 10, article 2d, continued.

Mr. LEWIS moved to strike out the following words, viz:

"All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall be divided into three senatorial districts, as follows:

"The first municipality shall compose one district, with two senators.

The second municipality shall compose one district, with one senator.

"The third municipality shall compose one district, with one senator."

And to substitute:

"All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall compose one senatorial district, and shall elect four senators."

And Mr. ROSELIOUS' amendment to Mr. Lewis', viz:

"*Provided*, however, that there shall always be in the senate at least one member residing in each municipality."

On motion of Mr. CHINN, one o'clock was fixed for taking the vote on Mr. Lewis' motion to strike out and insert.

Mr. SPLANE handed a letter from Mr. Hlsly, one of the reporters of the debates in English, which was read, and he moved that said letter be spread on the journal. His motion was lost.

On motion of Mr. CULBERTSON, Mr. Ilsley's letter was laid on the table, subject to call.

Mr. SPLANE handed in Mr. Ilsley's written resignation as one of the reporters of the debates in English.

Said resignation was accepted.

Mr. CLAIBORNE moved to abolish the office of second reporter of the debates in English.

On the adoption of his motion, the yeas and nays were called for, and resulted as follows:

Messrs. Aubert, Benjamin, Boudousquie, Cade, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Guion, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mayo, Mazureau, Preston, Prudhomme, Pugh, Roman, Saunders, Scott of Madison, Sellers, Soulé, Stephens, Taylor of St. Landry and Wikoff voted in the affirmative—29 yeas; and

Messrs. Brazeale, Brent, Burton, Carriere, Downs, Dunn, Eustis, Garrett, Hudspeth, Humble, McRae, Marigny, O'Bryan, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Read, Scott of Baton Rouge, Scott of Feliciana, Splane, Taylor of Assumption, Trist, Wederstrandt and Winder voted in the negative—26 nays; consequently said motion prevailed.

On motion of Mr. DOWNS, the Convention took up the following additional section, offered by him, to-wit:

"In all future apportionments of the senate the population of New Orleans, on the left bank of the river, descending, shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the quotient or result produced by this division shall be the population entitling a parish or other senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the divisor; and if a parish or district cannot be allowed a senator without a fraction of one-third over or under the ratio, then a district may be formed having not more than two senators, but not otherwise. Whenever the election, under a new apportionment shall have taken place, the seats of all the senators under the old apportionments shall be vacant, without regard to the time they had served. All ap-

portionments for senators, made not in strict conformity to this section, shall be null and void; and after the census has been taken, and the general assembly convened, it shall not be competent for the legislature to do any business, except its own organization, until an apportionment is made in strict conformity to this rule; and all acts and proceedings of the then existing legislature, or any subsequent one, under an apportionment not in strict conformity to this constitution, shall be null and void."

Mr. BENJAMIN moved to strike out the following words:

"Single or contiguous parishes shall be formed into districts having a population the nearest possible to the divisor, and if a parish or district cannot be allowed a senator without a fraction of one-third over or under the ratio, then a district may be formed having not more than two senators, but not otherwise."

It being now 1 o'clock, the hour fixed for taking the vote on Mr. Lewis' motion to strike out the following words:

"All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall be divided into three senatorial districts, as follows:

The first municipality shall compose one district, with two senators.

The second municipality shall compose one district, with one senator.

The third municipality shall compose one district, with one senator."

And to substitute the following words:

"All that portion of the Parish of Orleans lying on the east side of the Mississippi river shall compose one senatorial district, and shall elect four senators."

Mr. MARIGNY moved to divide the question—that is, that the question be first put upon the striking out. The division was granted.

On the adoption of Mr. LEWIS' motion to strike out, the yeas and nays were called for.

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendré, Lewis, Mazureau, Pugh, Roman, Roselius, Saunders, Sellers, Stephens, Taylor of Assumption, Taylor of St. Lan-

dry and Voorhies voted in the affirmative—31 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Carriere, Downs, Garcia, Humble, McRae, Marigny, Hayo, O'Bryon, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Preston, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Trist, Wederstrandt and Wikoff voted in the negative—26 nays; consequently said motion prevailed.

Mr. BEATTY moved to amend Mr. Lewis' amendment by adding "that part of the parish of Orleans situated on the right bank of the Mississippi river to the senatorial district of New Orleans."

On the adoption of his amendment the yeas and nays were called for.

Messrs. Beatty, Carriere, Downs, Ledoux, Legendré, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Taylor of Assumption, Trist and Voorhies voted in the affirmative—18 yeas; and

Messrs. Aubert, Benjamin, Boudousquié, Brazeale, Brent, Burton, Cade, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hudspeth, Humble, Kenner, King, Labauve, Lewis, Marigny, Mazureau, Penn, Porche, Preston, Pugh, Roman, Roselius, Saunders, Scott of Madison, Soulé, Stephens, Taylor of St. Landry, Wederstrandt, Wikoff and Winder voted in the negative—42 nays; consequently said amendment was lost.

On the adoption of Mr. LEWIS' amendment as amended by Mr. Roselius, the yeas and nays were called for.

Messrs. Aubert, Benjamin, Boudousquié, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Carrett, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendré, Lewis, Mazureau, Pugh, Roman, Roselius, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies and Winder voted in the affirmative—30 yeas; and

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Downs, Eustis, Garcia, Humble, Ledoux, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry,

Preston, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Stephens, Trist, Wederstrandt and Wikoff voted in the negative,—31 nays; consequently said amendment was lost.

Mr. MARIGNY obtained leave to spread upon the journal, that he voted against the adoption of the clause as amended, because New Orleans is entitled to more than four senators; five should have been given to it—two for the first municipality—two for the second municipality and one for the third municipality.

Mr. PRESTON moved to amend the 10th section, second article, by filling the blank with the words

"That each municipality of the city of New Orleans shall elect one senator within its limits, and a senator shall be elected by the vote of the whole city of New Orleans."

On the adoption of his amendment the yeas and nays were called for.

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Downs, Garcia, Humble, Ledoux, McRae, Marigny, Mayo, O'Bryan, Peets, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Trist and Wederstrandt voted in the affirmative—28 yeas; and

Messrs. Aubert, Benjamin, Boudousquié, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garrett, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendré, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wikoff and Winder voted in the negative—33 nays; consequently said amendment was lost.

Mr. SOULE moved that the Convention adjourn till to-morrow at ten o'clock, a. m.; on the adoption of his motion the yeas and nays were called for, which was, 23 yeas and 37 nays; consequently said motion was lost.

Mr. EUSTIS, who had voted in the majority; moved to reconsider Mr. Lewis' amendment.

On the adoption of his motion the yeas and nays were called for:

Messrs. Aubert, Beatty, Benjamin, Boudousquié, Cénas, Chinn, Claiborne, Con-

rad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garrett, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, Saunders, Scott of Feliciana, Sellers, Taylor of Assumption, Taylor of St. Landry, Voorhies and Winder voted in the affirmative—34 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Carriere, Downs, Garcia Humble, Ledoux, McRae, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Scott of Madison, Soulé, Trist, Wederstrandt and Wikoff voted in the negative—25 nays.

Mr. McRAE moved for for a call of the house, when it appeared that the following members were present:

Messrs. *Joseph Walker, President; Aubert, Beatty, Benjamin, Boudousquie, Brazeale, Brent, Burton, Carriere, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Hudspeth, Humble, Kenner, King, Labauve, Ledoux, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porter, Prescott, of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, Roman, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wederstrandt and Winder*—58 members.

On motion the Convention adjourned till to-morrow, at ten o'clock.

NOTE—Members absent, Messrs. *Bourg, Briant, Chambliss, Covillion, Hynson, Ratliff, and Waddill*, absent on leave; Mr. *Leonard*, absent on account of illness; and Messrs. *Brumfield, McCallop, St. Amand, Wadsworth and Winchester*.

TUESDAY, April 8, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. BEATTY opened the proceedings with prayer.

Mr. R. J. KERR furnished the secretary with the receipt of the printers to the Convention, for the reports in English of the debates of the Convention of the third instant.

ORDER OF THE DAY.

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall compose one senatorial district, and shall elect four senators.

To which Mr. ROSELIUS offered the following proviso:

Provided, however, that there shall always be in the senate at least one member residing in each municipality.

On motion of Mr. BOUDOUSQUIE the proviso offered by Mr. Roselius was stricken out, viz:

Provided, however, that there shall always be in the senate at least one member residing in each municipality.

Mr. SOULE offered the following amendment, viz:

Provided, the legislature which shall assemble immediately after the adoption of this constitution shall pass a law abolishing the division of the city into three municipalities, and constituting it again as a single corporation, with a single council and a single administration.

Mr. SAUNDERS moved that the said amendment be laid on the table, subject to call, and the yeas and nays being called for,

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Brumfield, Cénas, Chinn, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Derbes, Dunn, Eustis, Garrett, Guion, Hudspeth, King, Labauve, Legendre, Lewis, McRae, Mazureau, Penn, Prescott of St. Landry, Preston, Pugh, Roman, St. Amand, Saunders, Sellers, Taylor of St. Landry, Trist, Voorhies, Wikoff and Winder* voted in the affirmative—35 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Carriere, Culbertson, Garcia, Humble, Ledoux, McCallop, Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Read, Roselius, Scott of Feliciana, Soulé, Stephens, Waddill, Wadsworth and Wederstrandt* voted in the negative—25 nays; consequently the motion was carried.

Mr. BENJAMIN then moved for the adoption of the senatorial district composed of "all that portion of the parish of Orleans lying on the east side of the Mississippi river, with four senators." The yeas and nays being called for,

Messrs. *Aubert, Benjamin, Boudousquie, Brumfield, Cénas, Chinn, Claiborne, Con-*

rad of New Orleans, Conrad of Jefferson, Derbes, Dunn, Eustis, Garrell, Grymes, Guion, Hudspeth, King, Labauve, Legendre, Lewis, Mazureau, Pugh Roman, Roselius, St. Amand, Saunders, Sellers, Stephens, Taylor of St. Landry, Voorhies, Wadsworth and Winder voted in the affirmative—32 yeas; and

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Culbertson, Downs, Garcia, Humble, Ledoux, McCallop, McRae, Marigny, Mayo, O'Bryan, Peels, Penn, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Scott of Feliciana, Soulé, Trist, Waddill, Wadsworth, Wederstrandt and Wikoff voted in the negative—30 nays; consequently the motion was carried, and the senatorial district composed of all that portion of the parish of Orleans lying on the east side of the Mississippi river, with four senators, was adopted.

Mr. SOULE then gave notice that he would, on a future day, move to reconsider the vote adopting the above senatorial district.

Mr. ROSELIUS moved the adoption of the tenth section, as amended, viz:

ART. II. Sec. 10. The State shall be divided into the following senatorial districts, and the senators to be elected shall be voted for by persons entitled to vote for representatives.

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall compose one senatorial district, with four senators.

The parishes of Plaquemines, St. Bernard and that portion of the parish of Orleans on the right bank of the river, shall compose one district, with one senator.

The parish of Jefferson shall compose one district with one senator.

The parishes of St. Charles and St. John the Baptist, shall compose one district, with one senator.

The parishes of St. James and Ascension shall compose one district, with two senators.

Here Mr. TRIST gave notice that he would, on a future day, move to reconsider the vote forming one senatorial district, with two senators, of the parishes of St. James and Ascension.

The parishes of Assumption, Lafourche

Interior and Terrebonne, shall compose one district, with two senators.

The parishes of Iberville and West Baton Rouge, shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Point Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parishes of St. Mary and St. Martin shall compose one district, with two senators.

Mr. SPLANE moved to amend the said senatorial district by dividing it into two separate districts, with one senator to each.

On motion of Mr. BENJAMIN the taking of the vote on the motion of Mr. Splane, was postponed until to-morrow, at one o'clock, p. m.

And pending the discussion on said motion the Convention adjourned till to-morrow, at 10 o'clock, a. m.

NOTE—Members absent, Messrs. Bourg, Briant, Chambliss, Covillion and Ratliff, absent on leave; Messrs. Leonard and Porche, absent on account of illness; and Messrs. Kenner and Winchester did not appear in their seats.

WEDNESDAY, April 9, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings with prayer.

On motion of Mr. GARCIA, the reading of the minutes of the preceding day was dispensed with. The honorable delegate then announced to the Convention the lamentable news of the death of one of its members, Mr. Gilbert Leonard, the senatorial delegate from the parish of Plaquemines.

Mr. WADSWORTH then offered the following resolutions, and the same were adopted, viz:

Resolved, That this Convention has heard with deep regret the news of the demise of their colleague, the honorable Gilbert Leonard, in whose death Louisiana deploras the loss of an able and faithful servant, and this Convention one of its most respected members.

Resolved, That the family of the deceased

be requested to deliver over his remains to be buried by the Convention, and a committee be appointed to consult with the family to that effect, and make the necessary arrangements for the funeral.

Resolved, That the members of the Convention wear crape for the space of thirty days, on the left arm, a token of respect for the deceased.

Resolved, That as a mark of respect for the deceased, this Convention do now adjourn until to-morrow morning at the usual hour, and that a copy of these resolutions be transmitted by the secretary to the family of the deceased.

The PRESIDENT appointed Messrs. Wadsworth, Carriere, Garcia, Saunders and Downs members of the committee of arrangement.

The Convention then adjourned until to-morrow at 10 o'clock, a. m.

THURSDAY, April 10, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK addressed the Throne of Grace.

In consequence of the preparations for the burial of the Hon. Gilbert Leonard, deceased,

The Convention adjourned till to-morrow at 10 o'clock, a. m.

FRIDAY, April 11, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the honorable Mr. STEPHENS, at the request of the President, opened the proceedings with prayer.

Mr. WIKOFF was excused for non-attendance on account of illness.

On motion leave of absence was granted to Messrs. Aubert, Guion, Penn, Read, Taylor of St. Landry, Voorhies and McRae.

Mr. HUMBLE submitted the following resolution:

Resolved, that from and after Monday, the 14th inst. the Convention shall meet at nine o'clock, and at that time a call of the house shall be made, and the absentees marked.

Mr. BENJAMIN moved to amend said resolution by inserting the words "five o'clock p. m." instead of the words "nine

o'clock;" which amendment was accepted by Mr. Humble, and the resolution as amended was adopted, viz:

Resolved, that from and after Monday, the 14th inst. the Convention shall meet at five o'clock p. m., and at the hours of meeting in the morning and evening, a call of the house shall take place, and the absentees be marked.

ORDER OF THE DAY.

SEC. 10, continued. The parishes of St. Mary and St. Martin shall compose one senatorial district with two senators.

The question under discussion was the motion of Mr. Splane to amend, by dividing the said district into two separate districts, with one senator to each.

Mr. ROMAN moved that the amendment of Mr. Splane be laid on the table indefinitely, and called for the yeas and nays, which resulted as follows:

Messrs. Benjamin, Bourg, Briant, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garrett, Hudspeth, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Saunders, Sellers and Winchester voted in the affirmative—22 yeas; and

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Cenas, Downs, Eustis, Humble, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Trist, Waddill, Wadsworth, Wederstrandt and Winder voted in the negative—30 nays; consequently the motion was lost.

Mr. SPLANE then moved for the adoption of the amendment, and the yeas and nays being called for, resulted as follows:

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Cénas, Downs, Eustis, Humble, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott, of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Trist, Waddill, Wadsworth, Wederstrandt and Winder voted in the affirmative—30 yeas; and

Messrs. Benjamin, Bourg, Briant, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garrett, Hudspeth, Labauve, Legendre, Lewis, Mazureau, Pugh, Roman, Saunders, Sel-

lers and Winchester voted in the negative—21 nays; consequently the amendment was carried, and the district composed of the parish of St. Mary, with one senator, and the district composed of the parish of St. Martin, with one senator, were adopted.

The parishes of Lafayette and Vermilion shall compose one district, with one senator.

The parishes of St. Landry and Calcasieu shall compose one district, with two senators.

The parish of West Feliciana shall compose one district, with one senator.

The parish of East Feliciana shall compose one district, with one senator.

The parishes of St. Helena and Livingston, shall compose one district, with one senator.

The parishes of Washington and St. Tammany shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district, with one senator.

The parishes of Jackson Morehouse, Union and Ouachita shall compose one district, with one senator.

The parishes of Franklin, Caldwell and Catahoula shall compose one district, with one senator.

The parish of Rapides shall compose one district, with one senator.

The parishes of Bossier and Claiborne shall compose one district, with one senator.

The parish of Natchitoches shall compose one district, with one senator.

The parishes of Sabine, De Soto and Caddo shall compose one district, with one senator.

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.

The legislature, in every year in which they shall apportion representation in the house of representatives, shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district. The number of senators

shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts; provided, that no parish shall be entitled to more than one-eighth of the whole number of senators.

Mr. DOWNS moved to amend, by adding after the words "no parish shall be divided in the formation of a senatorial district," the words "except the parish of Orleans."

Mr. BEATTY moved for the previous question.

The PRESIDENT then put the question, "shall the main question be now put?" and the yeas and nays being called for,

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Downs, Garcia, Humble, Ledoux, Lewis, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Ratliff, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Trist, Waddill and Wederstrandt voted in the affirmative—28 yeas; and

Messrs. Benjamin, Bourg, Briant, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Dunn, Eustis, Garrett, Hudspeth, Labauve, Legendre, Mazureau, Prescott of St. Landry, Prudhomme, Pugh, Roman, Roselius, Saunders, Sellers, Wadsworth, Winchester and Winder voted in the negative—26 nays; consequently the motion was carried.

Mr. DOWNS then moved for the adoption of the amendment, and the yeas and nays being called for,

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Downs, Garcia, Humble, Ledoux, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Trist, Waddill and Wederstrandt voted in the affirmative—28 yeas; and

Messrs. Benjamin, Bourg, Briant, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garrett, Hudspeth, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roman, Roselius, Saunders, Sellers, Wadsworth, Winchester and Winder voted in the negative—27 nays; consequently said amendment was adopted.

Mr. BENJAMIN offered the following amendment, viz:

The city of New Orleans shall not be divided by any legislative act, in the apportionment of senators.

On the motion to adopt said amendment, the yeas and nays being called for,

Messrs. Benjamin, Bourg, Briant, Céna, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garrett, Hudspeth, Labauve, Legendre, Lewis, Mazureau, Prescott of St. Landry, Prudhomme, Pugh, Roman, Roselius, Saunders, Sellers, Wadsworth, Winchester and Winder voted in the affirmative—28 yeas; and

Messrs. Brazeale, Brent, Burton, Cade, Carriere, Downs, Garcia, Humble, Ledoux, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Ratliff, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Trist, Waddill and Wederstrandt voted in the negative—27 nays; the President voted in the minority, which made the vote equal, consequently the motion was lost.

Mr. BENJAMIN gave notice that he would on Tuesday next, move to reconsider all the votes given on that day.

Mr. DOWNS then moved for the adoption of the section as amended, viz:

ARTICLE II.

SECTION 10. The State shall be divided into the following senatorial districts, and the senators to be elected shall be voted for by persons entitled to vote for representatives.

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall compose one senatorial district, and shall elect four senators.

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans on the right bank of the river, shall compose one district, with one senator.

The parish of Jefferson shall compose one district, with one senator.

The parishes of St. Charles and St. John the Baptist shall compose one district, with one senator.

The parishes of St. James and Ascension shall compose one district, with two senators.

The parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators.

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Pointe Coupée shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parish of St. Mary shall compose one district, with one senator.

The parish of St. Martin shall compose one district, with one senator.

The parishes of Lafayette and Vermilion shall compose one district, with one senator.

The parishes of St. Landry and Calcasieu, shall compose one district, with two senators.

The parish of West Feliciana shall compose one district, with one senator.

The parish of East Feliciana shall compose one district, with one senator.

The parishes of St. Helena and Livingston shall compose one district, with one senator.

The parishes of Washington and St. Tammany shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district, with one senator.

The parishes of Jackson, Morehouse, Union and Ouachita shall compose one district, with one senator.

The parishes of Caldwell, Franklin and Catahoula, shall compose one district, with one senator.

The parish of Rapides shall compose one district, with one senator.

The parishes of Bossier and Claiborne shall compose one district, with one senator.

The parish of Natchitoches shall compose one district, with one senator.

The parishes of Sabine, De Soto and Caddo shall compose one district, with one senator.

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of it was taken, or to another contiguous district, at the discretion of the legislature, but shall not be attached to more than one district.

The legislature, in every year in which they shall apportion representation in the house of representatives, shall divide the

State into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts; provided that no parish shall be entitled to more than one-eighth of the whole number of senators.

Mr. BENJAMIN moved to adjourn till to-morrow at 11 o'clock, a. m.; the yeas and nays being called for,

Messrs. *Benjamin, Briant, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Eustis, Legendre, Lewis, Mazureau, Roselus, Trist, Waddill and Wadsworth* voted in the affirmative—14 yeas; and

Messrs. *Beatty, Bourg, Brazeale, Brent, Burton, Cade, Carriere, Chinn, Culbertson, Derbes, Downs, Dunn, Garcia, Garrett, Hudspeth, Humble, Ledoux, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Roman, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Wederstrandt, Winchester and Winder* voted in the negative—39 nays; consequently said motion was lost.

On the motion to adopt the section as amended, the yeas and nays being called for,

Messrs. *Beatty, Brazeale, Brent, Burton, Cade, Carriere, Downs, Garcia, Garrett, Hudspeth, Humble, Labauve, Ledoux, Lewis, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Waddill, Wederstrandt and Winder* voted in the affirmative—34 yeas; and

Messrs. *Benjamin, Bourg, Briant, Cenas, Chinn, Claiborne, Conrad of Orleans, Culbertson, Derbes, Dunn, Eustis, Legendre, Mazureau, Pugh, Roman, Roselius, Saunders, Wadsworth and Winchester* voted in the negative—19 nays; consequently said section as amended, was adopted.

Mr. CONRAD of Orleans moved to adjourn till to-morrow at 10 o'clock, a. m.; the yeas and nays being called for,

Messrs. *Benjamin, Bourg, Cenas, Clai-*

borne, Conrad of Orleans, Derbes, Garcia, Labauve, Legendre, Mazureau, Roman, Roselius, Stephens and Wadsworth voted in the affirmative—14 yeas; and

Messrs. *Beatty, Brazeale, Brent, Briant, Burton, Cade, Carriere, Chinn, Downs, Dunn, Eustis, Garrett, Humble, Ledoux, Lewis, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Waddill, Wederstrandt, Winchester and Winder* voted in the negative—36 nays; consequently said motion was lost.

On motion of Mr. DOWNS, the Convention took up the following additional section, offered by him, to wit:

"In all future apportionments of the senate the population of New Orleans, on the left bank of the river, descending, shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the quotient or result produced by this division shall be the population entitling a parish or other senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the divisor; and if a parish or district cannot be allowed a senator without a fraction of one-third over or under the ratio, then a district may be formed having not more than two senators, but not otherwise. Whenever the election, under a new apportionment shall have taken place, the seats of all the senators under the old apportionments shall be vacant, without regard to the time they had served. All apportionments for senators, made not in strict conformity to this section, shall be null and void; and after the census has been taken, and the general assembly convened, it shall not be competent for the legislature to do any business, except its own organization, until an apportionment is made in strict conformity to this rule; and all acts and proceedings of the then existing legislature, or any subsequent one, under an apportionment not in strict conformity to this constitution, shall be null and void."

Mr. BENJAMIN moved to strike out the following words:

"Single or contiguous parishes shall be formed into districts having a population the nearest possible to the divisor, and if a parish or district cannot be allowed a senator without a fraction of one-third over or under the ratio, then a district may be formed having not more than two senators, but not otherwise."

Mr. DOWNS moved for a division, that is, that the Convention first proceed to strike out the words "single or contiguous parishes, shall be formed into districts having a population nearest the divisor."

Mr. CONRAD of New Orleans, moved to lay on the table indefinitely, the following paragraph of said section, viz:

"In all future apportionments of the senate the population of New Orleans, on the left bank of the river, descending, shall be deducted from the population of the whole State; and the remainder of the population divided by the number twenty-eight, and the quotient or result produced by this division shall be the population entitling a parish or other senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the divisor; and if a parish or district cannot be allowed a senator, without a fraction of one-third over or under the ratio, then a district may be formed having not more than two senators, but not otherwise."

Mr. DOWNS submitted the following resolution, viz:

"*Resolved*, That all motions for reconsideration shall be decided without debate."

Mr. CONRAD of New Orleans, submitted the following amendment, viz:

"*Resolved*, That no vote on the constitution shall be reconsidered, unless there be a greater number of members present when the vote for a reconsideration is taken, than when the original vote was taken."

On motion, the Convention adjourned till to-morrow at 10 o'clock, a. m.

NOTE.—Members absent: Messrs. Porche, Taylor of Assumption and Wikoff, absent on account of illness; Messrs. Aubert, Chambliss, Covillion, Guion, Penn, Read, Taylor of St. Landry and Voorhies, absent on leave; and Messrs. Boudousquie, Brumfield, Grymes, Kenner, King, McRae and St. Amand did not appear in their seats.

SATURDAY, April 12, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEPHENS, at the request of the President, opened the proceedings with prayer.

The secretary reported the receipt of the printers for the reports of the debates in English, of the 8th inst.

On motion, leave of absence was granted to Messrs. Chinn, Derbes, Scott of Baton Rouge, and Saunders.

On motion, Mr. Hudspeth was excused for non-attendance, on account of illness.

The Convention then took up the following resolution, offered by Mr. Downs on yesterday, viz:

Resolved, that all motions for reconsideration be decided without debate.

Mr. DOWNS moved for the adoption of said resolution; the yeas and nays being called for, (Mr. Claiborne in the chair) resulted as follows:

Messrs. Beatty, Brazeale, Brent, Burton, Cade, Carriere, Covillion, Culbertson, Downs, Dunn, Garrett, Humble, Hynson, Lewis, McCallop, Marigny, Mayo, O'Bryan, Peets, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Scott of Feliciana, Splane, Stephens, Waddill and Wederstrandt voted in the affirmative—27 yeas; and

Messrs. Benjamin, Bourg, Briant, Cénas, Conrad of Orleans, Eustis, Mazureau, Porter, Pugh, Ratliff, Roman, Roselius, Sellers, Taylor of Assumption, Winchester and Winder voted in the negative—17 nays; consequently said motion was carried, and the resolution adopted.

The Convention then took up the following resolution, offered on yesterday by Mr. Conrad of Orleans, viz:

Resolved that no vote on the constitution shall be reconsidered, unless there be a greater number of members present when the vote for a reconsideration is taken, than when the original vote was taken.

Mr. BENJAMIN offered the following as a substitute for the said resolution, and the same was accepted by Mr. Conrad, viz:

Resolved, that no vote on the constitution shall be reconsidered, unless a greater number of members vote for the reconsideration than voted in favor of the motion which it is proposed to reconsider.

The yeas and nays being called for on the adoption of the above substitute, (Mr. Claiborne in the chair) resulted as follows:

Messrs. *Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Burton, Cade, Carriere, Cènas, Conrad of Orleans, Covillion, Culbertson, Downs, Dunn, Garrett, Hynson, McCallop, Mayo, Mazureau, Peets, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Roman, Roselius, Scott of Feliciana, Sellers, Splane, Stephens, Taylor of Assumption, Waddill, Wederstrandt, Winchester and Winder*, voted in the affirmative—36 yeas; and

Messrs. *Eustis, Humble, Marigny, O'Bryan, Porter and Ratliff* voted in the negative—6 nays; consequently the motion was carried, and the substitute adopted.

The Convention then proceeded to the
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it being the additional section offered by Mr. Downs, viz:

In all future apportionments of the senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the quotient or result produced by this division, shall be the population entitling a parish or other senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the divisor, and if a parish or district cannot be allowed a senator without a fraction of one-third over or under the ratio, then a district may be formed having not more than two senators, but not otherwise. Whenever the election under a new apportionment shall have taken place, the seats of all the senators under old apportionments shall be vacant, without regard to the time they had served. All apportionments for senators, made not in strict conformity to this section, shall be null and void, and after the census has been taken and the general assembly convened, it shall not be competent for the legislature to do any business except its own organization, until an apportionment is made in strict conformity to this rule, and all acts and proceedings of the then existing legislature or any subsequent one, under an apportionment not in strict conformity to this constitution, shall be null and void.

Mr. Downs moved to correct the phra-

seology by striking out the word "divisor" in the thirteenth line; and insert in lieu thereof, the words "number entitling a district to a senator;" which motion prevailed.

Mr. SOULE moved to correct the phraseology by striking out the words "and if a parish or district cannot be allowed a senator with a fraction of one-third over or under the ratio," and insert in lieu thereof, the words "and if in the apportionment to be made, a parish or district be found to be deficient of or to exceed by one-third the ratio;" which motion prevailed.

The question under consideration at the adjournment on yesterday, was the motion of Mr. Conrad of Orleans, to lay indefinitely on the table the following paragraphs of said section, viz:

In all future apportionments of the senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the quotient or result produced by this division, shall be the population entitling a parish or other senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the divisor, and if a parish or district cannot be allowed a senator without a fraction of one-third over or under the ratio, then a district may be formed having not more than two senators, but not otherwise.

Mr. Downs moved for a division, that is, the Convention first proceed to act from the first to the tenth line, then from the tenth line to the thirteenth line, and then from the thirteenth line to the eighteenth line to the word "otherwise;" which motion prevailed.

The yeas and nays being called for to lay on the table indefinitely all the words from the first to the tenth line, (Mr. Claiborne in the chair) resulted as follows:

Messrs. *Benjamin, Bourg, Briant, Conrad of Orleans, Conrad of Jefferson, Culbertson, Dunn, Marigny, Mazureau, Roman and Roselius* voted in the affirmative—11 yeas; and

Messrs. *Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Covillion, Downs, Garrett, Humble, Hynson, Lewis, McCallop, Mayo, O'Bryan, Peets,*

Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Waddill, Wederstrandt, Winchester and *Winder* voted in the negative—32 nays; consequently said motion was lost.

The yeas and nays were then called for on the motion to lay on the table indefinitely all the words from the tenth line to the thirteenth line, resulted as follows:

Messrs. *Briant, Claiborne, Conrad* of New Orleans, *Conrad* of Jefferson, *Eustis, Lewis, Marigny, Mazureau, Roman, Roselius, Scellers* and *Winchester* voted in the affirmative—12 yeas; and

Messrs. *Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Covillion, Culbertson, Downs, Garrett, Humble, Hynson, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Ratliff, Scott of Feliciana, Scott of Madison, Soulé, Splane, Taylor of Assumption, Waddill, Wederstrandt* and *Winder* voted in the negative—30 nays; consequently said motion was lost.

Mr. *CONRAD* of Orleans, offered as a substitute to the third paragraph, the following, viz:

And whenever contiguous parishes shall in the aggregate have a population sufficient to entitle them to two senators, they may be formed into two separate districts, provided that neither district shall have a population of more than one-third over or under the ratio.

Mr. *Downs* moved to lay on the table indefinitely the substitute offered by Mr. *Conrad*.

At ten minutes after one o'clock, there being barely a quorum, Mr. *Claiborne* moved that the Convention adjourn till Monday next at ten o'clock, a. m.; and the yeas and nays being called for,

Messrs. *Briant, Claiborne, Conrad* of Orleans, *Lewis, Pugh, Roman, Roselius* and *Winchester* voted in the affirmative—8 yeas; and

Messrs. *Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Covillion, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Ratliff, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Taylor of Assumption,*

Wadsworth and *Wederstrandt* voted in the negative—30 nays; consequently said motion was lost.

At sixteen minutes after 1 o'clock, Mr. *Brent* moved for a call of the house, and the following members answered to their names, viz:

Messrs. *Joseph Walker*, president; *Beatty, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Claiborne, Conrad* of New Orleans, *Covillion, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, Lewis, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Pugh, Ratliff, Roman, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Taylor of Assumption, Waddill, Wadsworth* and *Wederstrandt*—being in all, 37.

Mr. *SOULE* then moved that for the want of a quorum, the Convention adjourn till Monday next at ten o'clock, a. m.; which motion prevailed.

NOTE—Members absent: Messrs. *Hudspeth, Porche* and *Wikoff*, absent on account of illness; Messrs. *Aubert, Chambliss, Chinn, Derbes, Guion, King, McRae, Penn, Read, Saunders, Scott of Baton Rouge, Taylor of St. Landry, and Voorhies*, absent on leave; and Messrs. *Boudousquié, Garcia, Grymes, Kenner, Labauve, Legendre, Preston, St. Amand* and *Trist* did not appear in their seats.

MONDAY, April 14, 1845.

The Convention met pursuant to adjournment, at 10 o'clock, a. m.

Mr. *BEATTY* moved that for the want of a quorum, only twenty-eight members having answered to their names at the call of the roll, the Convention adjourn for one hour. The yeas and nays being called for,

Messrs. *Beatty, Brazeale, Brent, Burton, Cade, Cénas, Chambliss, Covillion, Humble, Hynson, Ledoux, Lewis, McCallop, Mayo, O'Bryan, Peets, Porter, Prudhomme, Pugh, Read, Scott of Feliciana, Stephens, Taylor of Assumption, Waddill* and *Wederstrandt* voted in the affirmative—25 yeas; and

Messrs. *Brumfield, Dunn, Roman* and *Winder* voted in the negative—4 nays; consequently the motion was carried, and the Convention adjourned for an hour for want of a quorum.

NOTE—Members absent at the call of

the roll: Messrs. Aubert, Chinn, Derbes, Guion, King, McRae, Penn, Saunders, Scott of Baton Rouge, Taylor of St. Landry and Voorhies absent on leave; Messrs. Hudspeth and Porche on account of illness; and Messrs. Benjamin, Boudousquière, Bourg, Briant, Brumfield, Carriere, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Downs, Eustis, Garcia, Garrett, Grymes, Kenner, Labauve, Legendre, McCallop, Marigny, Mazureau, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Roselius, St. Amand, Scott of Madison, Sellers, Soulé, Splane, Trist, Wadsworth and Winchester did not answer to their names at the call of the roll.

At the appointed hour, the PRESIDENT called the Convention to order, and on the roll being called, forty-six members answered to their names.

The Rev. Mr. WARREN opened the proceedings with prayer.

The secretary reported the receipt of the printers for the reports of the debates in English of the 11th instant.

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Second paragraph of the section offered by Mr. Downs, viz:

"Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a senator, and if in the apportionment to be made a parish or district be found to be deficient of or to exceed by one-third the ratio, then a district may be formed having not more than two senators, but not otherwise."

Mr. CONRAD of Orleans offered at the last adjournment as a substitute for said paragraph, the following, viz:

"Whenever contiguous parishes shall have in the aggregate a population sufficient to entitle them to two senators, they may be formed into two separate districts; *provided*, that neither district shall have a population of more than one-third over or under the ratio."

The question under consideration at the last adjournment, was the motion of Mr. Downs, to lay on the table indefinitely the above substitute.

The yeas and nays being called for on said motion, resulted as follows:

Messrs. Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Garrett, Humble,

Hynson, Ledoux, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Feliciana, Scott of Madison, Splane, Stephens, Waddill and Wederstrandt voted in the affirmative—31 yeas; and

Messrs. Benjamin, Briant, Claiborne, Conrad of Orleans, Culbertson, Dunn, Hudspeth, Lewis, Mazureau, Pugh, Ratliff, Roman, Sellers, Taylor of Assumption, Wikoff and Winchester voted in the negative—16 nays; consequently said motion was carried.

Mr. CLAIBORNE moved to strike out all the words from the eighteenth line to the twenty-third line, and insert in lieu thereof the following substitute, viz:

"Whenever a new apportionment shall be made the term of service of all the senators whose districts may be thereby altered or reorganized, shall expire so soon as the election shall take place in the new districts, without regard to the time such senators shall have served under the old apportionment."

Mr. BENJAMIN offered as a substitute to the substitute of Mr. Claiborne, the following, viz:

"No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment."

Mr. DOWNS moved to amend the above substitute, by adding the words "except those whose districts are changed." Which motion was lost.

Mr. BRENT moved for the previous question, and the president (Mr. Winchester in the chair) put the question, "shall the main question be now put?" The yeas and nays being called for,

Messrs. Brazeale, Brent, Carriere, Chambliss, Downs, Hudspeth, Humble, Hynson, Lewis, McCallop, Porter, Prescott of Avoyelles, Prescott of St. Landry, Read, Scott of Feliciana, Scott of Madison, Soulé and Waddill voted in the affirmative—18 yeas; and

Messrs. Beatty, Benjamin, Bourg, Briant, Cade, Claiborne, Conrad of Orleans, Covillion, Culbertson, Dunn, Eustis, Garcia, Garrett, Ledoux, Mayo, Mazureau, O'Bryan, Peets, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Roman, Sellers, Splane, Stephens, Taylor of Assumption,

Wederstrandt, Wikoff and Winder voted in the negative—30 nays; consequently said motion was lost.

Mr. BENJAMIN then moved for the adoption of the substitute, and the yeas and nays being called for,

Messrs. *Beatty, Benjamin, Bourg, Briant, Brumfield, Burton, Cade, Claiborne, Conrad of Orleans, Covillion, Culbertson, Dunn, Eustis, Garcia, Garrett, Hudspeth, Ledoux, Lewis, McCallop, Mayo, Mazureau, Peets, Prescott, of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Roman, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Wikoff and Winder* voted in the affirmative 36 yeas; and

Messrs. *Brazeale, Brent, Carriere, Chambliss, Downs, Humble, Hynson, Marigny, O'Bryan, Porter, Read, Soulé, Waddill and Wederstrandt* voted in the negative—14 nays; consequently said motion was carried, and the substitute adopted.

Mr. EUSTIS moved to strike out the words from the twenty-third line to the thirty-first line.

Mr. RATLIFF moved for a division, to strike out first the words from the twenty-third line to the twenty-fifth line; his motion prevailed, and the words were stricken out.

On the motion to strike out the words from the twenty-fifth line to the thirty-first line, the yeas and nays being called for,

Messrs. *Benjamin, Briant, Burton, Cade, Cénas, Claiborne, Conrad of New Orleans, Eustis, Hudspeth, Ledoux, Lewis, Marigny, Mayo, Mazureau, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Roman, Sellers, Soulé and Splane* voted in the affirmative—22 yeas; and

Messrs. *Beatty, Brazeale, Brent, Brumfield, Carriere, Chambliss, Covillion, Culbertson, Downs, Garrett, Humble, Hynson, McCallop, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Read, Roselius, Scott of Feliciana, Scott of Madison, Stephens, Taylor of Assumption, Waddill, Wederstrandt, Wikoff and Winder* voted in the negative—28 nays; consequently the motion was lost.

Mr. TAYLOR of Assumption offered as a substitute for the whole section the following, viz:

“In all future apportionments of the sen-

ate the State shall be divided into sixteen districts. The city of New Orleans shall be divided so as to form two districts. The population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number fourteen, and the quotient produced by this division shall be the representative number entitling a senatorial district to two senators. Single or contiguous parishes shall be formed into districts, in such manner as to have a population the nearest possible to the representative number. After the census has been taken, and the general assembly convened, the legislature shall not pass any law until an apportionment is made.”

On the motion of Mr. Taylor of Assumption, for the adoption of the above substitute, the yeas and nays being called for, resulted as follows:

Messrs. *Beatty, Benjamin, Bourg, Briant, Cénas, Conrad of New Orleans, Eustis, Hudspeth, Legendre, Lewis, Mazureau, Prescott of St. Landry, Pugh, Roman, Taylor of Assumption, Winchester* and *Winder* voted in the affirmative—17 yeas; and

Messrs. *Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Claiborne, Covillion, Culbertson, Downs, Garrett, Humble, Hynson, Ledoux, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Prudhomme, Ratliff, Read, Roselius, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Waddill, Wederstrandt and Wikoff* voted in the negative—36 nays; consequently the motion was lost.

Mr. MAYO moved to amend by adding after the word “legislature” in the twenty-eighth line, the words “to pass any laws after the first forty days of the session;” which motion was lost.

Mr. LEWIS moved for the previous question.

The PRESIDENT put the question, “shall the main question be now put;” which motion prevailed.

Mr. CONRAD of New Orleans, moved to amend by striking out from the third paragraph the words “or to exceed.” The yeas and nays being called for, resulted as follows, viz:

Messrs. *Benjamin, Bourg, Briant, Cénas, Claiborne, Conrad of New Orleans,*

Eustis, Hudspeth, Legendre, Mazureau, Pugh, Ratliff, Roman, Roselius, Taylor of Assumption, Winchester and Winder voted in the affirmative—17 yeas; and

Messrs. *Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Garrett, Humble, Hynson, Ledoux, Lewis, McCallop, Mayo, O'Bryan, Peets, Porter, Prescott, of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Waddill, Wederstrandt and Wikoff* voted in the negative—34 nays; consequently the motion was lost.

Mr. BENJAMIN moved to strike out from the sixteenth line the word "may," and insert in lieu thereof the word "shall." The yeas and nays being called for, resulted as follows:

Messrs. *Beatty, Benjamin, Bourg, Briant, Cénas, Claiborne, Conrad of New Orleans, Hudspeth, Legendre, Lewis, Mazureau, Pugh, Roman, Roselius, Taylor of Assumption, Winchester and Winder* voted in the affirmative—17 yeas; and

Messrs. *Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, McCallop, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Waddill, Wederstrandt and Wikoff* voted in the negative—34 nays; consequently the motion was lost.

Mr. BRENT gave notice that he would, on to-morrow, move a reconsideration of the vote given on Mr. Benjamin's amendment, to insert one-fifth instead of one-third.

Mr. DOWNS moved for the adoption of the section as amended, viz:

"In all future apportionments of the senate the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the quotient or result produced by this division shall be the population entitling a parish to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a senator; and if, in the apportion-

ment to be made, a parish or district be found to be deficient of or to exceed one-fifth the ratio, then a district may be formed having not more than two senators, but not otherwise. No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment, and after the census has been taken and the general assembly convened, the legislature shall not pass any laws until the apportionment be made.

The yeas and nays being called for on the adoption of the above section as amended, resulted as follows:

Messrs. *Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Garrett, Hudspeth, Humble, Hynson, Ledoux, Lewis, McCallop, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Waddill, Wederstrandt, Wikoff and Winchester* voted in the affirmative—39 yeas; and

Messrs. *Benjamin, Briant, Cénas, Claiborne, Conrad of Orleans, Eustis, Legendre, Mazureau, Roman, Roselius, Taylor of Assumption and Winder* voted in the negative—12 nays; consequently the motion was carried, and the section as amended was adopted.

NOTE—Members absent at the call of the roll, Messrs. *Aubert, Guion, King, McRae, Penn, Saunders, Scott of Baton Rouge, Taylor of St. Landry, and Voorhies*, absent on leave; Mr. *Porche*, absent on account of illness; and Messrs. *Boudousquie, Briant, Cénas, Conrad of Jefferson, Derbes, Downs, Eustis, Garcia, Grymes, Kenner, Labauve, Marigny, Preston, Ratliff, Roselius, St. Amand, Soulé, Trist, and Winchester* did not answer to their names at the call of the roll.

On motion the Convention adjourned till five o'clock this evening.

MONDAY EVENING, April 14, 1845.

The Convention met pursuant to adjournment.

The PRESIDENT called the Convention to order, and on the call of the roll, the following members answered to their names, viz:

Messrs. JOSEPH WALKER, *President,*

Beatty, Bourg, Brazeale, Brent, Burton, Cénas, Downs, Eustis, Hudspeth, Humble, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Read, Roman, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Waddill, Wederstrandt and Winder—total, 31.

Members absent at the call of the roll.—Messrs. Aubert, Chinn, Guion, Derbes, McRae, Penn, Saunders, Scott of Baton Rouge, Taylor of St. Landry and Voorhies absent on leave; Messrs. Brumfield and Porche absent on account of illness; and Messrs. Benjamin, Boudousquié, Briant, Cade, Carriere, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Dunn, Garcia, Garrett, Grymes, Hynson, Kenner, Labauve, Ledoux, Legendré, Lewis, Mazaureau, Preston, Ratliff, Roselius, St. Amand, Stephens, Taylor of Assumption, Trist, Wadsworth, Wikoff and Winchester did not answer to their names at the call of the roll.

At ten minutes after 5 o'clock, Mr. BRENT moved for a call of the house, and the following members answered to their names, viz:

Messrs. JOSEPH WALKER, *President*, Beatty, Benjamin, Bourg, Brazeale, Brent, Burton, Cade, Cénas Conrad of Orleans, Downs, Eustis, Hudspeth, Humble, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Read, Roman, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Waddill, Wederstrandt, Winchester and Winder—total, 36.

Members absent at the call of the house: Messrs. Aubert, Chinn, Derbes, Guion, King, McRae, Penn, Saunders, Scott of Baton Rouge, Taylor of St. Landry and Voorhies absent on leave; Messrs. Porche and Brumfield absent on account of illness; and Messrs. Boudousquie, Briant, Carriere, Chambliss, Claiborne, Conrad of Jefferson, Covillion, Culbertson, Dunn, Garcia, Garrett, Grymes, Hynson, Kenner, Labauve, Ledoux, Legendre, Lewis, Mazureau, Preston, Ratliff, Roselius, St. Amand, Trist, Wadsworth and Wikoff did not answer to their names at the call of the house.

After a quarter of an hour had elapsed,

Mr. BRENT moved for a call of the house, and the following members answered to their names, viz:

Messrs. JOSEPH WALKER, *President*, Beatty, Benjamin, Bourg, Brazeale, Brent, Burton, Cade, Cénas, Chambliss, Conrad of Orleans, Downs, Eustis, Garrett, Hudspeth, Humble, McCallop, Marigny, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Read, Roman, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Waddill, Wederstrandt, Winchester and Winder—total, 39.

Members absent at the call of the house: Messrs. Aubert, Chinn, Derbes, Gunion, King, McRae, Penn, Saunders, Scott of Baton Rouge, Taylor of St. Landry and Voorhies absent on leave; and Messrs. Porche and Brumfield absent on account of illness; and Messrs. Boudousquie, Briant, Carriere, Claiborne, Conrad of Jefferson, Covillion, Culbertson, Dunn, Garcia, Grymes, Hynson, Kenner, Labauve, Ledoux, Legendre, Lewis, Mazureau, Preston, Ratliff, Roselius, St. Amand, Trist, Wadsworth and Wikoff did not answer to their names at the call of the house.

On motion of Mr. SOULE, the Convention then adjourned for the want of a quorum, till to-morrow at 10 o'clock, a. m.

TUESDAY, April 15, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. TWITCHARD opened the proceeding with prayer.

Mr. BRENT moved that the secretary be ordered to furnish the printers with a separate list, containing the names of the absentees at the calls of the house.

The yeas and nays being called for:

Messrs. *Beatty, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Conrad of Orleans, Conrad of Jefferson, Covillon, Downs, Garrett, Hudspeth, Humble, Hynson, Lewis, McCallop, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Read, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Waddill, Wadsworth, Wederstrandt, Wikoff and Winder* voted in the affirmative—39 yeas; and

Messrs. *Bourg, Cénas, Dunn, Mazureau,*

Ratliff, Roman and Winchester voted in the negative—7 nays; consequently the motion was carried.

Mr. BRENT moved to reconsider the vote given on yesterday, on the adoption of the section offered by Mr. Downs, as amended; which motion was lost.

On motion, the 3d section of article 2d, which had been laid on the table subject to call, was called up, viz:

Sec. 3. "Representatives shall be chosen on the first Monday, one day only, in November, every two years; and the general assembly shall convene on the third Monday in January next ensuing the election, in every second year, unless a different day be appointed by law; and their different sessions, shall be held at the seat of government.

"The first election under this constitution shall take place in the year —."

On motion of Mr. Downs, the last paragraph of said section was stricken out, viz:

"The first election under this constitution shall take place in the year —."

On motion, the section as amended was adopted, viz:

Sec. 3. "Representatives shall be chosen on the first Monday, one day only, in November every two years; and the general assembly shall convene on the third Monday in January next ensuing the election, in every second year, unless a different day be appointed by law; and their different sessions shall be held at the seat of government."

On motion, the 11th section of article 2d was called up, viz:

Sec. 11. "At the session of the general assembly, after this constitution takes effect, the senators shall be divided by lot as equally as may be into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; so that one-half shall be chosen every two years, and a rotation thereby kept up perpetually."

Mr. CONRAD of New Orleans, offered the following amendment, and the same was adopted, viz:

"In case any district shall have elected two or more senators, said senators shall vacate their seats respectively at the end of two and four years, and the lots shall be drawn between them."

On motion, the section as amended was adopted, viz:

Sec. 11. "At the session of the general assembly after this constitution takes effect, the senators shall be divided by lots as equally as may be into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; so that one-half shall be chosen every two years, and a rotation thereby kept up perpetually.

"In case any district shall have elected two or more senators, said senators shall vacate their seats respectively at the end of two and four years, and the lots shall be drawn between them."

On motion, the 12th section was called up, viz:

Sec. 12. "No person shall be a senator who, at the time of his election, has not been a citizen of the United States ten years, and who has not attained the age of twenty-seven years, and resided in the State four years next preceding his election, and one year in the district in which he may be chosen."

Mr. READ offered the following as a substitute for said section, viz:

Sec. 12. "Every qualified elector shall be eligible to a seat in the State senate."

Mr. CONRAD of New Orleans, moved to lay said substitute on the table indefinitely; the yeas and nays being called for,

Messrs. Beatty, Benjamin, Bourg, Burton, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Downs, Dunn, Garrett, Hudspeth, Lewis, Marigny, Mazureau, Peets, Prescott of St. Landry, Prudhomme, Pugh, Roman, Sellers, Splane, Stephens, Taylor of Assumption, Wadsworth, Wikoff, Winchester and Winder voted in the affirmative—29 yeas; and

Messrs. Brazeale, Brent, Brumfield, Carriere, Chambliss, Covillion, Humble, Hynson, McCallop, Mayo, O'Bryan, Porter, Prescott of Avoyelles, Preston, Ratliff, Read, Scott of Feliciana, Scott of Madison, Waddill and Wederstrandt voted in the negative—20 nays; consequently said motion was carried.

On motion, the 12th section was then adopted.

On motion, the 13th section was called up, viz:

Sec. 13. "The first election for sena-

tors shall be general throughout the State, and at the same time that the general election for representatives is held; and thereafter there shall be a biennial election of senators, to fill the place of those whose time of service may have expired."

On motion, said section was adopted.

On motion, the 23d section was called up, viz:

SEC. 23. "No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society, or sect, shall be eligible to the general assembly, or to any office of profit or trust under this State."

Mr. MAYO moved to lay said section on the table indefinitely; and the yeas and nays being called for,

Messrs. Beatty, Benjamin, Bourg, Brent, Burton, Cade, Carriere, Chambliss, Claiborne, Downs, Hudspeth, Humble, Hynson, Lewis, Mayo, O'Bryan, Peets, Pugh, Scott of Madison, Stephens, Waddill and Winchester voted in the affirmative—22 yeas; and

Messrs. Brazeale, Briant, Brumfield, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Dunn, Garrett, Ledoux, McCallop, Marigny, Mazureau, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Roman, St. Amand, Scott of Feliciana, Sellers, Splane, Taylor of Assumption, Wadsworth, Wederstrandt, Wikoff and Winder voted in the negative—30 nays; consequently the motion was lost.

Mr. MAYO moved to strike out from said section the following words, viz:

"Or to any office of profit or trust under this State." Which motion prevailed.

On motion, the section was adopted as amended, viz:

SEC. 23. "No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society, or sect, shall be eligible to the general assembly."

Mr. TAYLOR of Assumption, called up the following section, which had been laid on the table subject to call, viz:

"Absence from the State for more than sixty days shall interrupt the residence required in the preceding section, unless the person absenting himself, shall be a house-keeper, or shall occupy a tenement for carrying on some business, and his dwelling

house, or the tenement for carrying on his business, shall be actually occupied during his absence, by his family or servants or some portion thereof, or by some person employed by him."

On motion of Mr. PORTER, said section was amended by adding after the word "interrupt," the words "acquisition of."

Mr. CONRAD of Orleans, moved to amend, by striking out the words "sixty days," and insert in lieu thereof the words "four months."

The yeas and nays being called for, (Mr. Claiborne in the chair):

Messrs. Brumfield, Burton, Cade, Cénas, Chambliss, Conrad of Orleans, Conrad of Jefferson, Culbertson, Downs, Dunn, Garrett, McCallop, Marigny, Mayo, Mazureau, Peets, Prescott of St. Landry, Preston, Pugh, Scott of Madison, Sellers, Waddill and Winchester voted in the affirmative—23 yeas; and

Messrs. Brazeale, Brent, Briant, Carriere, Covillion, Hudspeth, Humble, Hynson, Ledoux, Lewis, O'Bryan, Porter, Prescott of Avoyelles, Prudhomme, Ratliff, Read, Roman, St. Amand, Scott of Feliciana, Splane, Stephens, Taylor of Assumption, Wederstrandt and Wikoff voted in the negative—24 nays; consequently the motion was lost.

Mr. CULBERTSON moved to strike out the word "sixty" and insert in lieu thereof the word "ninety;" which motion prevailed.

Mr. MAYO moved to lay the section and amendments on the table, subject to call, which motion was lost.

Mr. CONRAD of Orleans gave notice that he would on a future day move to reconsider the vote given on the adoption of "ninety days" instead of "sixty days."

Mr. HUMBLE moved to lay the section as amended on the table indefinitely; the yeas and nays being called for,

Messrs. Beatty, Benjamin, Brent, Burton, Chambliss, Downs, Dunn, Garrett, Humble, Ledoux, McCallop, Mayo, Peets, Prescott of Avoyelles, Preston, Scott of Madison, Sellers, Splane, Waddill and Wederstrandt voted in the affirmative—20 yeas; and

Messrs. Bourg, Brazeale, Briant, Cade, Carriere, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Garcia, Hudspeth, Hynson, Legendre, Lewis, Marigny, Mazureau,

O'Bryan, Porter, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Read, Roman, St. Amand, Scott of Feliciana, Soulé, Stephens, Taylor of Assumption, Wikoff, Winchester and Winder voted in the negative—34 nays; consequently said motion was lost.

Mr. BEATTY offered the following as a substitute for the whole section, viz :

“The legislature shall pass laws defining the manner in which a residence required for voters by this constitution may be acquired or lost.”

Mr. TAYLOR of Assumption moved to lay the substitute on the table indefinitely; the yeas and nays being called for,

Messrs. Bourg, Brazeale, Brent, Briant, Brumfield, Cade, Carriere, Cénas, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Downs, Garcia, Hudspeth, Humble, Hynson, Ledoux, Legendré, Lewis, McCallop, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Read, Roman, Scott of Feliciana, Scott of Madison, Soulé, Stephens, Taylor of Assumption, Wadsworth, Wederstrandt and Winder voted in the affirmative—45 yeas; and

Messrs. Beatty, Benjamin, Burton, Dunn, Eustis, Garrett, Preston, Sellers, Splane and Waddill voted in the negative—10 nays; consequently the motion was adopted.

Mr. TAYLOR of Assumption moved to reconsider the vote adopting “ninety” instead of “sixty” days, in order to give Mr. Claiborne, who was in the Chair, an opportunity to vote. The yeas and nays being called for,

Messrs. Benjamin, Briant, Burton, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Downs, Dunn, Eustis, Garrett, Legendre, Marigny, Peets, Preston, Pugh, Roman, St. Amand, Sellers, Splane, Waddill, Wadsworth, Wederstrandt and Winchester voted in the affirmative—25 yeas; and

Messrs. Beatty, Bourg, Brazeale, Brent, Brumfield, Cade, Carriere, Chambliss, Covillion, Garcia, Hudspeth, Humble, Hynson, Ledoux, Lewis, McCallop, Mayo, Mazureau, O'Bryan, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Feliciana, Scott of Madison, Soulé, Stephens,

Taylor of Assumption and Winder voted in the negative—32 nays; consequently said motion was lost.

Mr. Taylor of Assumption then moved the adoption of the section as amended, viz :

Absence from the State for more than ninety consecutive days, shall interrupt the acquisition of the residence required in the preceding section, unless the person absents himself shall be a house-keeper, or shall occupy a tenement for carrying on business, and his dwelling house or tenement for carrying on his business, shall be actually occupied during his absence by his family or servants, or some portion thereof, or by some one employed by him.

The yeas and nays being called for on the adoption of said section:

Messrs. Bourg, Brazeale, Briant, Brumfield, Cade, Cénas, Claiborne, Covillion, Culbertson, Garcia, Hudspeth, Hynson, Legendre, Lewis, McCallop, Marigny, Mazureau, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prudhomme, Pugh, Ratliff, Read, Roman, St. Amand, Scott of Feliciana, Scott of Madison, Stephens, Taylor of Assumption, Wadsworth, Winchester and Winder, voted in the affirmative—34 yeas; and

Messrs. Beatty, Benjamin, Brent, Burton, Carriere, Chambliss, Conrad of Orleans, Conrad of Jefferson, Downs, Dunn, Eustis, Garrett, Humble, Mayo, Porche, Prescott of St. Landry, Preston, Roselius, Sellers, Splane and Wederstrandt, voted in the negative—21 nays; consequently the motion was carried, and the section was adopted.

Mr. CONRAD of Orleans, gave notice that he would on Thursday next call up a section offered by him and laid on the table, defining the qualifications of electors.

Mr. EUSTIS, chairman of the committee of revision, reported the seventh article of the constitution.

On motion of Mr. DOWNS, the report of the majority on the judiciary was called up, viz:

SEC. 1. The judicial power shall be vested in a supreme court, in district courts to be established throughout the State, in justices of the peace, and such other courts in the city of New Orleans as the legislature may, from time to time direct.

Mr. LEWIS moved that the Convention

adjourn till to-morrow at ten o'clock, a. m.

The PRESIDENT decided the motion to adjourn till to-morrow to be out of order. The Convention having adopted a rule by which they were to meet every evening at five o'clock, p. m. and unless said rule was rescinded, such motions cannot be allowed.

Mr. LEWIS appealed from the decision of the chair.

The PRESIDENT then put the question, shall the decision of the chair be sustained?

The appeal was rejected, and the decision of the chair was sustained.

Mr. LEWIS then moved for a dispensation of the rules, to rescind the resolution fixing the evening sessions; the yeas and nays being called for,

Messrs. Benjamin, Boudousquie, Brent, Briant, Brumfield, Cenas, Conrad of Jefferson, Hudspeth, Hynson, Ledoux, Lewis, Mazureau, Porche, Porter, Ratliff, Read, Roman, Roselius, Splane, Stephens, Taylor of Assumption, Wikoff and Winchester, voted in the affirmative—23 yeas; and

Messrs. Beatty, Bourg, Brazeale, Burton, Carriere, Chambliss, Chinn, Covillion, Downs, Dunn, Garrett, Guion, Humble, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Pugh, St. Amand, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Waddill, Wederstrandt and Winder, voted in the negative—31 nays; consequently the motion was lost.

Mr. TAYLOR of Assumption, gave notice that he would on to-morrow move to reconsider the vote adopting the rule fixing the evening sessions.

Mr. BENJAMIN moved that the Convention adjourn till 5 o'clock, p. m., which motion was lost.

Mr. SOULE agreeably to notice previously given, moved to reconsider the vote adopting the senatorial apportionment of New Orleans; the yeas and nays being called for,

Messrs. Beatty, Brazeale, Brent, Chambliss, Covillion, Downs, Humble, Hynson, Ledoux, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Waddill, Wederstrandt and Wikoff voted in the affirmative—30 yeas; and

Messrs. Benjamin, Boudousquié, Bourg, Briant, Brumfield, Burton, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Dunn, Eustis, Garrett, Guion, Hudspeth, Lewis, Mazureau, Pugh, Roman, Roselius, St. Amand, Sellers, Taylor of Assumption, Winchester and Winder voted in the negative—26 nays; consequently said motion was carried.

On motion of Mr. SOULE, the consideration of the subject was made the order of the day for Friday next, at 12 o'clock, m.

Mr. GARRETT objected to the question of reconsideration being carried, on the ground that it was not carried by the majority required by the rule, *i. e.*, that the number voting for the reconsideration was less than the number who voted for the motion proposed to be reconsidered.

Mr. SOULE then said that if it should be decided that his motion to reconsider had not prevailed, that he would now give notice that he would move for the reconsideration on Friday next, at 12 o'clock, m.

Mr. BRENT moved for a call of the house, and fifty-two members answered to their names, and the following members were absent, viz: Messrs. Aubert, Derbes, King, Penn, Scott of Baton Rouge, Taylor of St. Landry and Voorhies absent on leave; Messrs. Boudousquié, Brumfield, Grymes, Kenner, Legendre, Mazureau, Prudhomme, Roselius, St. Amand, Saunders, Trist and Wadsworth did not answer to their names at the call of the house.

On motion, the Convention adjourned till this evening, at 5 o'clock, p. m.

TUESDAY EVENING, April 15, 1845.

The Convention met pursuant to adjournment.

ORDER OF THE DAY.

ARTICLE FOURTH—JUDICIARY POWER—REPORT OF THE COMMITTEE.

The judiciary committee report to the Convention the following sections of article fourth of the constitution concerning the judiciary department.

JOHN R. GRYMES, Chairman.

SEC. 1. The judicial power shall be vested in a supreme court, in district courts to be established throughout the State, in justices of the peace, and such other courts in the city of New Orleans as the legislature may from time to time direct.

SEC. 2. The supreme court shall have

appellate jurisdiction only except in cases hereinafter provided, which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars.

SEC. 3. The supreme court shall be composed of one chief justice and of three associate justices, a majority of whom shall constitute a quorum; each of said judges shall receive a salary of thousand dollars annually. The said court shall appoint its own clerks. The said judges shall be appointed by the governor, by and with the advice and consent of the senate, for the term of ten years.

SEC. 4. The supreme court shall hold its sessions in the city of New Orleans from the month of November to the month of June inclusive. The legislature shall have power to fix the sessions elsewhere during the rest of the year. Until otherwise provided, the sessions shall be held in New Orleans.

SEC. 5. The supreme court and each of the judges thereof, shall have power to issue writs of habeas corpus at the instance of all persons in actual custody under civil process.

On motion of Mr. PRESTON the 1st, 2d, 3d and 4th sections of said report were laid on the table subject to call.

On motion, section 5th was adopted, viz:

SEC. 5. The supreme court, and each of the judges thereof, shall have power to issue writs of habeas corpus, at the instance of all persons in actual custody under civil process.

On motion section 6th was adopted, viz:

SEC. 6. The appellate jurisdiction of the supreme court shall extend to all cases in which the constitutionality or legality of any tax, toll, or impost of any kind or nature soever shall be in contestation, whatever may be the amount thereof; and, likewise, to all fines, forfeitures and penalties imposed by municipal corporations.

On motion section 7th was adopted, viz:

SEC. 7. The supreme court shall have appellate jurisdiction in criminal cases, on questions of law alone, in all cases in which the punishment of death or hard labor may be inflicted, or a fine exceeding three hundred dollars is actually imposed.

On motion of Mr. WINCHESTER the vote adopting the 5th section was reconsidered.

Mr. BRENT then moved to amend said

section by adding, after the last word, the words, "in all cases in which they may have appellate jurisdiction," and striking out the word "civil."

Mr. SAUNDERS moved to lay said section 5th on the table indefinitely, which motion was lost.

Mr. CONRAD of Orleans, moved that the same be laid on the table subject to call, which motion prevailed.

Mr. ROSELIUS moved that the Convention adjourn till to-morrow at 10 o'clock, a. m., which motion was lost.

On motion section 9th was adopted, viz:

SEC. 9. The judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be, "The State of Louisiana."

All prosecutions shall be carried on in the name and by the authority of the State of Louisiana, and conclude, against the peace and dignity of the same.

On motion, the 10th section was taken up, viz:

SEC. 10. The judges of all courts shall, in all cases, give in writing, their reasons on which their judgment is founded.

Mr. BENJAMIN offered as a substitute for the said section, the 12th section of the constitution of 1812, and the same was adopted, viz:

SEC. 12, of 1812. The judges of all courts within this State shall, as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may have been rendered, and in all cases adduce the reasons on which their judgment is founded.

On motion, section eleven was taken up.

SEC. 11. No court, or judge of any court, appointed under this constitution, shall exercise any jurisdiction, or perform any functions, but such as are purely judicial; and no other duties or functions shall ever be attached, by law, to the office of a judge, but such as are judicial.

Mr. BEATTY moved to lay said section on the table subject to call.

Mr. SAUNDERS moved that the Convention adjourn till to-morrow at 10 o'clock, a. m.; the motion was lost, the vote being equal, the President voted in the negative.

Mr. BEATTY then renewed his motion to lay the said section on the table, subject to call, and the same was carried.

On motion, section twelve was taken up, viz:

SEC. 12. No court, or judge of any court, shall ever have the power, by any order or judgment, in any suit, process, or other proceeding before them, or pending in such court, to order or adjudge any money to be paid by the parties to such suits or proceedings, or make any allowance out of any money or property that may be in actual custody of said court or officers thereof, except for the payment of the legal fees of the ministerial officers of the said court, as allowed and established by law.

On motion of Mr. SAUNDERS, said section was laid on the table, subject to call.

On motion section thirteen was taken up, viz:

SEC. 13. The judges of all courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of three-fourths of each house of the general assembly.

Mr. READ moved to amend said section, by striking out the following words: "But for any reasonable cause, which shall not be sufficient cause for impeachment, the Governor shall remove any of them, on the address of three-fourths of each house of the general assembly," and insert in lieu thereof the following words of the — section of the constitution of 1812: "But for any reasonable cause, which shall not be sufficient cause for impeachment, the Governor shall remove any of them, on the address of three-fourths of each house of the general assembly; provided, however, that the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted on the journal of each house."

On motion, said section was adopted as amended, viz:

SEC. 13. The judges of all courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient cause for impeachment, the governor shall remove any of them, on the address of three-fourths of each house of the general assembly; provided, however, that the cause or causes for which such removal may be required, shall be stated at length in their address, and inserted on the journal of each house.

On motion, the Convention adjourned till to-morrow, at ten o'clock, a. m.

NOTE—Members absent at the call of the roll, *Messrs. Aubert, King, Penn, Scott* of Baton Rouge, *Taylor* of St. Landry and *Voorhies*, absent on leave; *Mr. Porche*, absent on account of illness; *Messrs. Benjamin, Briant, Cade, Carriere, Chinn, Claiborne, Conrad* of Jefferson, *Culbertson, Dunn, Eustis, Garcia, Grymes, Kenner, Labauve, Ledoux, Legendre, Lewis, Porter, Roman, Roselius, Saunders, Soule, Taylor* of Assumption, *Trist, Wadsworth*, and *Wikoff* did not answer at the call of the roll.

WEDNESDAY, April 16, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEPHENS, at the request of the president, opened the proceedings with prayer.

On motion, leave of absence was granted to Mr. Cade.

On motion of Mr. LEDOUX, the vote adopting the 13th section of the majority report of the committee on the judiciary, adopted on yesterday, was reconsidered.

On motion of Mr. LEDOUX, said section was called up, viz:

SEC. 13. "The judges of all courts shall be liable to impeachment; but for any reasonable cause which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of three-fourths of each house of the general assembly; *provided*, however, that the cause or causes, for which such removal may be required, shall be stated at length in the address, and inserted on the journal of each house."

Mr. LEDOUX moved to amend said section, by inserting after the words "three-fourths," the words "of the members present."

And the yeas and nays being called for on the adoption of the amendment,

Messrs. Beatty, Boudousquie, Bourg, Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Downs, Humble, Hynson, Kenner, Ledoux, McCallop, McRae, Mayo, O'Bryan, Peets, Prescott of Avoyelles, *Prescott* of St. Landry, *Preston, Prudhomme, Pugh, St. Amand, Scott* of Feliciana, *Scott* of Madison, *Splane, Ste-*

phens, Taylor of Assumption, Waddill and Wederstrandt voted in the affirmative—33 yeas; and

Messrs. Benjamin, Conrad of Orleans, Culbertson, Dunn, Eustis, Garrett, Guion, Hudspeth, Legendré, Lewis, Mazureau, Porter, Ratliff, Read, Sellers, Wikoff, Winchester and Winder voted in the negative—17 nays; consequently said motion was carried, and the amendment adopted.

On motion, the 13th section as amended was adopted, viz:

SEC. 13. "The judges of all courts shall be liable to impeachment; but for any reasonable cause which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of three-fourths of the members present of each house of the general assembly; *provided*, however, that the cause or causes for which such removal may be required, shall be stated at length in the address and inserted on the journal of each house."

Agreeably to notice given yesterday, Mr. TAYLOR of Assumption, moved to reconsider the vote adopting the rule fixing the evening sessions; and the yeas and nays being called for,

Messrs. Briant, Brumfield, Cénas, Conrad of Jefferson, Eustis, Garcia, Legendre, Lewis, McCallop, Porter, Ratliff, St. Amand, Soulé, Splane, Taylor of Assumption and Winchester voted in the affirmative—16 yeas; and

Messrs. Beatty, Benjamin, Brazeale, Brent, Burton, Carriere, Chambliss, Chinn, Covillion, Culbertson, Downs, Dunn, Garrett, Guion, Hudspeth, Humble, Hynson, McRae, Marigny, Mayo, Mazureau, O'Bryan, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, Saunders, Scott of Feliciana, Scott of Madison, Sellers, Waddill, Wadsworth, Wederstrandt and Winder voted in the negative—36 nays; consequently said motion was lost.

On motion, the first section of the majority report of the committee on the judiciary, and laid on the table subject to call, was taken up, viz:

SEC. 1. "The judicial power shall be vested in a supreme court, in district courts to be established throughout the State; in justices of the peace; and in such other courts in the city of New Orleans as the legislature may from time to time direct."

The question under discussion was the motion of Mr. Ratliff to amend said section by striking out the words "in the city of New Orleans."

And pending the discussion on said motion, the Convention adjourned till this evening at 5 o'clock, p. m.

NOTE—Members absent; Messrs. Aubert, Cade, Derbes, King, Penn, Scott of Baton Rouge, Taylor of St. Landry and Voorhies absent on leave; Mr. Porche absent on account of illness; and Messrs. Benjamin, Claiborne, Conrad of Jefferson, Culbertson, Downs, Eustis, Garcia, Grymes, Labauve, Ledoux, Legendre, Preston, Roman, Roselius, St. Amand, Sellers, Soulé, Trist, Winchester and Winder did not answer to their names at the call of the roll.

WEDNESDAY EVENING, April 16, 1845.

The Convention met pursuant to adjournment.

Mr. MARIGNY gave notice that he will on Friday next, move to reconsider the vote adopting the rule requiring a larger vote on a motion to reconsider, than voted at the adoption of the motion it is intended to reconsider.

ORDER OF THE DAY.

Section 1st of the majority report on the judiciary.

SEC. 1. The judicial power shall be vested in a supreme court, in district courts to be established throughout the State, in justices of the peace, and such other courts in the city of New Orleans as the legislature may from time to time direct.

The question under consideration at the adjournment, was the motion of Mr. Ratliff to amend said section by striking out the words "in the city of New Orleans."

After some discussion on the above amendment, Mr. Porter moved for a call of the house, and fifty-three members answered to their names; and the following members were absent at the call, viz:

Messrs. *Aubert, Cade, Derbes, King, Penn, Scott* of Baton Rouge, *Taylor* of St. Landry, and *Voorhies*, absent on leave. *Mr. Porche*, absent on account of sickness; and Messrs. *Garcia, Grymes, Hudspeth, Labauve, Legendre, Lewis, Roman, St. Amand, Trist, Wadsworth, Wikoff* and *Winchester* did not answer at the call of the house.

Mr. CHINN then moved that the Con-

vention adjourn till to-morrow at 10 o'clock, a. m.; the yeas and nays being called for, Messrs. Boudousquie, Briant, Burton, Carriere, Chinn, Covillion, Guion, Kenner, Marigny, Porter, Preston, Prudhomme, Pugh, Ratliff, Roselius, Saunders, Scott of Feliciana, Sellers, Soulé, Taylor of Assumption, Waddill and Winder voted in the affirmative—22 yeas; and

Messrs. Beatty, Benjamin, Bourg, Brazeal, Brent, Brumfield, Cenas, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Downs, Dunn, Eustis, Garrett, Humble, Hynson, Ledoux, McCallop, McRae, Mayo, Marigny, O'Bryan, Peets, Prescott of Avoyelles, Prescott of St. Landry, Read, Scott of Madison, Splane, Stephens, Wederstrandt and Winchester voted in the negative—32 nays; consequently said motion was lost.

And pending the discussion on the motion of Mr. Ratliff to strike out, the Convention adjourned till to-morrow at 10 o'clock, a. m.

NOTE.—Members absent at the call of the roll, Messrs. Aubert, Cade, Derbes, King, Penn, Scott of Baton Rouge, Taylor of St. Landry, and Voorhies, absent on leave. Mr. Porche, absent on account of sickness, and Messrs. Carriere, Chinn, Claiborne, Conrad of Jefferson, Culbertson, Downs, Garcia, Grymes, Guion, Kenner, Labauve, Ledoux, Legendre, Porter, Preston, Prudhomme, Roman, Roselius, St. Amand, Saunders, Trist, Wadsworth, Wikoff and Winchester did not answer at the call of the roll.

THURSDAY, April 17, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEPHENS, at the request of the president, opened the proceedings with prayer.

Mr. DUNN gave notice that he would on to-morrow, move to reconsider the vote adopting the rule requiring the secretary to furnish the printers with the names of the members absent at call of the roll, or when a call of the house is made, to publish in the morning and evening papers.

The secretary reported the receipt of the printers for the reports of the debates of the 12th instant.

This being the day fixed for the taking

into consideration the reports of the committee of revision, the report of said committee on the executive department being first in order, was submitted.

On motion of Mr. TAYLOR of Assumption, said report was laid on the table, subject to call.

Mr. DUNN gave notice that he would on a future day, introduce a section providing that the lieutenant-governor shall be superintendent of education.

ORDER OF THE DAY.

First section of the majority report on the judiciary.

SEC. 1. The judicial power shall be vested in a supreme court, in district courts, in justices of the peace, and such other courts in the city of New Orleans, as the legislature may from time to time direct.

The question under consideration at the adjournment, was the motion of Mr. Ratliff to strike out the words "in the city of New Orleans."

Mr. O'BRYAN moved that the debate on the subject under consideration, cease this evening at 7 o'clock, p. m.

On motion, the Convention adjourned till 5 o'clock, p. m.

NOTE.—Members absent: Messrs. Aubert, Cade, Derbes, Penn, Taylor of St. Landry and Voorhies absent on leave; Messrs. Porche and Trist absent on account of sickness; and Messrs. Conrad of Orleans, Conrad of Jefferson, Culbertson, Downs, Dunn, Eustis, Garcia, Grymes, Guion, Labauve, Marigny, Ratliff, Roman, Roselius, St. Amand, Soulé, Splane, Wadsworth, Wikoff and Winchester did not answer to their names at the call of the roll.

THURSDAY EVENING, April 17, 1845.

The Convention met pursuant to adjournment.

Mr. SOULE submitted the following resolution, viz:

Resolved, that during the continuance of morning and evening sittings, the reporters be required to furnish only the outlines of the debates.

Mr. ROSELIUS moved to amend the above resolution as follows, viz: "that hereafter the report of the debates of the evening sittings be dispensed with.

Mr. DOWNS offered the following substitute, viz:

Resolved, that an additional reporter in English be appointed.

Mr. CLAIBORNE moved to amend said substitute by adding, "also, an additional reporter in French."

Mr. MAZUREAU moved that the Convention adjourn till to-morrow morning at 10 o'clock a. m. The yeas and nays being called for,

Messrs. Benjamin, Boudousquie, Briant, Brumfield, Cénas, Chinn, Claiborne, Garrett, Hudspeth, Kenner, Lewis, McCallop, McRae, Marigny, Mazureau, Porter, Prescott of St. Landry, Pugh, Roselius, St. Amand, Scott of Baton Rouge, Soulé, Stephens, Taylor of Assumption, Taylor of St. Landry; Waddill, Wadsworth and Winchester voted in the affirmative—28 yeas; and

Messrs. Beatty, Bourg, Brazeale, Brent, Burton, Carriere, Chambliss, Covillion, Downs, Dunn, Eustis, Guion, Prescott, of Avoyelles, Preston, Prudhomme, Read, Saunders, Scott of Feliciana, Scott of Madison, Sellers, Splane, Wederstrandt, Wikoff and Winder voted in the negative—30 nays; consequently the motion was lost.

Mr. BEATTY moved the previous question, the yeas and nays being called for,

Messrs. Beatty, Benjamin, Brazeale, Brent, Carriere, Cénas, Chambliss, Chinn, Covillion, Downs, Dunn, Eustis, Garrett, Guion, Humble, Hynson, Kenner, Ledoux, McCallop, McRae, Marigny, Mayo, Prescott of Avoyelles, Prescott of St. Landry, Preston, Pugh, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Splane, Wadsworth, Wikoff and Winchester voted in the affirmative—35 yeas; and

Messrs. Boudousquie, Bourg, Briant, Brumfield, Burton, Claiborne, Hudspeth, King, Lewis, Mazureau, Peets, Porter, Prudhomme, Roselius, St. Amand, Saunders, Scott of Madison, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt and Winchester voted in the negative—23 nays; consequently the motion was carried.

Mr. McRAE submitted the following as a substitute for the whole, viz :

Resolved, That the secretary be directed to appoint additional reporters in English and French; which substitute was lost.

Mr. CLAIBORNE moved for the adoption of the amendment offered by him to the substitute of Mr. Downs, providing for an additional French reporter; which motion was lost.

Mr. DOWNS moved for the adoption of the substitute offered by him to Mr. Soule's resolution, and the yeas and nays being called for,

Messrs. Brazeale, Brent, Carriere, Chambliss, Chinn, Downs, Dunn, Garrett, Humble, McRae, Marigny, Mayo, Porter, Prescott of Avoyelles, Read, Scott of Baton Rouge, Scott of Feliciana, Splane, Taylor of Assumption, Wadsworth and Winder voted in the affirmative—21 yeas; and

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Briant, Brumfield, Burton, Cénas, Claiborne, Conrad of Jefferson, Covillion, Culbertson, Eustis, Guion, Hudspeth, Hynson, Kenner, King, Ledoux, Lewis, McCallop, Mazureau, Peets, Prescott of St. Landry, Preston, Prudhomme, Pugh, Roselius, St. Amand, Saunders, Scott of Madison, Sellers, Soulé, Stephens, Taylor of St. Landry, Waddill, Wederstrandt, Wikoff and Winchester voted in the negative—39 nays; consequently said motion was lost.

Mr. SOULE moved for the adoption of the resolution offered by him; the yeas and nays being called for,

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Briant, Brumfield, Carriere, Cénas, Chambliss, Chinn, Claiborne, Conrad of Jefferson, Covillion, Culbertson, Downs, Dunn, Eustis, Hynson, Kenner, King, Ledoux, McCallop, Marigny, Mayo, Mazureau, Prescott of Avoyelles, Preston, Pugh, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Waddill, Wadsworth, Winchester and Winder voted in the affirmative—39 yeas; and

Messrs. Brent, Burton, Garrett, Guion, Hudspeth, Humble, Lewis, McRae, Peets, Porter, Prescott of St. Landry, Prudhomme, Ratliff, Read, Roselius, St. Amand, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Wederstrandt and Wikoff voted in the negative—22 nays; consequently said motion was carried.

Mr. LEWIS gave notice that he would on to-morrow introduce a resolution to abolish the office of reporter.

Mr. MARIGNY moved that the Convention adjourn till to-morrow, at 10 o'clock, a. m.; the yeas and nays being called for,

Messrs. Benjamin, Boudousquie, Briant, Carriere, Cénas, Chinn, Claiborne, Conrad of Jefferson, Culbertson, Eustis, Guion, Hudspeth, Kenner, Lewis, McCallop, Mc-

Rae, Marigny, Mazureau, Peets, Porter, Prescott of St. Landry, Ratliff, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Sellers, Soulé, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wadsworth and Winchester voted in the affirmative—34 yeas; and

Messrs. Beatty, Bourg, Brazeale, Briant, Brumfield, Burton, Chambliss, Covillion, Downs, Dunn, Garrett, Humble, Hynson, King, Labauve, Ledoux, Mayo, O'Bryan, Prescott of Avoyelles, Preston, Prudhomme, Pugh, Read, Scott of Feliciana, Scott of Madison, Splane, Wederstrandt, Wikoff and Winder voted in the negative—29 nays; consequently said motion was carried, and the Convention adjourned till tomorrow, at 10 o'clock, a. m.

NOTE.—Members absent: *Messrs. Aubert, Cade, Derbes, Penn and Voorhies*, absent on leave; *Messrs. Porche and Trist* absent on account of illness, and *Messrs. Benjamin, Boudousquie, Brumfield, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Garcia, Grymes, Hudspeth, Labauve, Legendre, Marigny, O'Bryan, Peets, Pugh, Ratliff, Roman, St. Amand, Saunders, Wadsworth, Wikoff and Winchester* did not answer to their names at the call of the roll.

FRIDAY, April 18, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEPHENS, at the request of the president, opened the proceedings with prayer.

Mr. HUMBLE submitted the following resolution, viz:

Resolved, that from and after Monday, the 21st inst., the Convention shall meet at 9 o'clock in the morning, and adjourn at ten minutes before 3 o'clock in the evening.

Mr. HUMBLE moved for a dispensation of the rules; which motion prevailed.

Mr. LEWIS moved to amend the resolution by striking out the words "and adjourn at ten minutes before 3 o'clock in the evening," and insert in lieu thereof the following amendment, viz: "and that henceforward the evening sittings be discontinued."

Mr. SELLERS moved that the resolution

and amendment be laid on the table indefinitely; which motion was lost.

Mr. CONRAD of New Orleans, moved for a division, that is, to take the vote first on meeting at 9 o'clock, a. m.

Mr. BRENT moved for the previous question; which motion prevailed.

Mr. LEWIS moved for the adoption of his amendment, and the yeas and nays being called for, resulted as follows:

Messrs. Benjamin, Boudousquie, Briant, Brumfield, Burton, Cenas, Chinn, Claiborne, Culbertson, Downs, Garrett, Guion, Hudspeth, Humble, Hynson, Labauve, Ledoux, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Porter, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Read, Saunders, Scott of Baton Rouge, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt, Wikoff and Winchester voted in the affirmative—40 yeas; and

Messrs. Beatty, Bourg, Brazeale, Brent, Carriere, Chambliss, Conrad of Orleans, Covillion, Dunn, Kenner, King, O'Bryan, Peets, Prudhomme, Pugh, Scott of Feliciana, Scott of Madison, Sellers and Wadsworth voted in the negative—19 nays; consequently the motion was carried, and the amendment adopted.

Mr. HUMBLE moved for the adoption of the resolution as amended, viz:

Resolved, that from and after Monday, the 21st inst. the Convention shall meet at nine o'clock in the morning, and that henceforward the evening sessions be discontinued.

The yeas and nays being called for,

Messrs. Benjamin, Boudousquie, Briant, Brumfield, Burton, Carriere, Cenas, Chinn, Claiborne, Culbertson, Downs, Garrett, Guion, Hudspeth, Humble, Hynson, Labauve, Ledoux, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, St. Amand, Saunders, Scott of Baton Rouge, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Wederstrandt, Wikoff and Winchester voted in the affirmative—45 yeas; and

Messrs. Beatty, Bourg, Brazeale, Brent, Chambliss, Conrad of New Orleans, Covillion, Dunn, King, O'Bryan, Pugh, Scott of Feliciana, Scott of Madison, Sellers and

Wadsworth voted in the negative—15 nays; consequently the motion was carried and the rule adopted.

This being the day fixed to reconsider the vote adopting the rule requiring a greater number of members to vote for the reconsideration than voted in favor of the motion which it proposed to reconsider,

On the motion of Mr. MARIGNY the same was taken up, and the yeas and nays being called for on the motion to reconsider, resulted as follows:

Messrs. *Brazeale, Carriere, Claiborne, Covillion, Humble, Ledoux, McRae, Marigny, Mayo, Peets, Porche, Porter, Prescott of Avoyelles, Ratliff, Read, Soulé, Waddill, Wadsworth* and *Wederstrandt* voted in the affirmative—19 yeas; and

Messrs. *Beatty, Benjamin, Boudousquie, Bourg, Brent, Briant, Brumfield, Burton, Cènas, Chambliss, Chinn, Conrad of New Orleans, Culbertson, Downs, Dunn, Garrett, Guion, Hudspeth, Hynson, Kenner, King, Labauve, Legendre, Lewis, McCallop, Mazureau, O'Bryan, Prescott of St. Landry, Prudhomme, Pugh, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Wikoff, Winchester* and *Winder* voted in the negative—43 nays; consequently the motion was lost.

Mr. SOULE gave notice that at o'clock m. he will move to reconsider the vote fixing the senatorial apportionment of New Orleans.

ORDER OF THE DAY.

Section first of the majority report on the judiciary:

SEC. 1. The judicial power shall be vested in a supreme court, in district courts to be established throughout the State, in justices of the peace, and such other courts in the city of New Orleans, as the legislature may from time to time direct.

The question under consideration at the last adjournment was the motion of Mr. Ratliff to strike out the words "in the city of New Orleans."

The yeas and nays being called for on said motion to strike out:

Messrs. *Beatty, Boudousquie, Bourg, Briant, Chinn, Covillion, Culbertson, Dunn, Guion, Kenner, Labauve, Legendre, Marigny, Porter, Pugh, Ratliff, St. Amand,*

Saunders, Scott of Feliciana, Soulé, Taylor of Assumption, Winchester and *Winder* voted in the affirmative—24 yeas; and

Messrs. *Benjamin, Brazeale, Brent, Brumfield, Burton, Carriere, Cènas, Chambliss, Claiborne, Conrad of Orleans, Downs, Eustis, Garrett, Hudspeth, Humble, Hynson, King, Ledoux, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Porche, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Madison, Sellers, Splane, Stephens, Taylor of St. Landry, Wederstrandt* and *Wikoff* voted in the negative 37 nays; consequently the motion was lost.

Mr. PORTER offered the following amendment, viz:

The judicial power shall be vested in a supreme court, in district courts and in justices of the peace. The legislature shall have the power to establish probate courts throughout the State, the judges thereof to be elected by the qualified voters of the different parishes—and the legislature shall establish such other courts in the city of New Orleans, as from time to time may be deemed necessary.

Mr. BEATTY moved to amend the amendment of Mr. Porter by striking out the words "the judges thereof to be elected by the qualified voters of the different parishes;" and the yeas and nays being called for,

Messrs. *Beatty, Benjamin, Boudousquie, Bourg, Briant, Cènas, Chinn, Conrad of Jefferson, Culbertson, Eustis, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Lewis, Marigny, Mazureau, Prudhomme, Pugh, St. Amand, Soule, Splane, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Winchester* and *Winder* voted in the affirmative—30 yeas; and

Messrs. *Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillon, Downs, Dunn, Garrett, Humble, Hynson, Ledoux, McCallop, McRae, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Waddill, Wederstrandt* and *Wikoff* voted in the negative—32 nays; consequently said motion was lost.

Mr. PORTER then moved for the adoption of his amendment; the yeas and nays being called for,

Messrs. Chambliss, Chinn, Covillion, Culbertson, Dunn, McCallop, Porter, Pugh, Ratliff, Saunders, Scott of Baton Rouge, Scott of Feliciana, Soule, Taylor of Assumption, Waddill and Winder voted in the affirmative—16 yeas; and

Messrs. Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Downs, Eustis, Garcia, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porche, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Roselius, St. Amand, Scott of Madison, Sellers, Splane, Taylor of St. Landry, Wadsworth, Wederstrandt, Wikoff and Winchester voted in the negative—49 nays; consequently said motion was lost.

Mr. SAUNDERS moved to amend said section by inserting after the words "district courts" the words "parish courts with probate jurisdiction."

And the yeas and nays being called for,

Messrs. Beatty, Briant, Chinn, Covillion, Culbertson, Dunn, Garcia, Guion, King, Legendre, McCallop, Marigny, Pugh, Ratliff, Saunders, Scott of Feliciana, Soule, Taylor of Assumption, Winchester and Winder voted in the affirmative; 20 yeas; and

Messrs. Benjamin, Brazeale, Brumfield, Brent, Burton, Carriere, Cenas, Chambliss, Claiborne, Conrad of Jefferson, Downs, Eustis, Garrett, Hudspeth, Humble, Hynson, Labauve, Ledoux, Lewis, McRae, Mayo, Mazureau, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Roselius, Scott of Baton Rouge, Scott of Madison, Sellers, Splane, Taylor of St. Landry, Waddill, Wadsworth, Wederstrandt and Wikoff voted in the negative—40 nays; consequently said amendment was lost.

Mr. TAYLOR of Assumption, moved to amend, by inserting after the words "district courts," the words "courts of probate."

And the yeas and nays being called for,

Messrs. Bourg, Briant, Carriere, Chambliss, Chinn, Covillion, Culbertson, Dunn, Garcia, Guion, Kenner, King, Labauve,

Ledoux, Legendre, McCallop, Marigny, Mazureau, Porter, Pugh, Ratliff, Scott of Feliciana, Soule, Taylor of Assumption, Winchester and Winder voted in the affirmative—27 yeas; and

Messrs. Beatty, Benjamin, Brazeale, Brent, Brumfield, Burton, Cenas, Claiborne, Conrad of Jefferson, Downs, Eustis, Garrett, Hudspeth, Humble, Hynson, Lewis, McRae, Mayo, O'Bryan, Peets, Porche, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Roselius, Scott of Baton Rouge, Scott of Madison, Sellers, Splane, Taylor of St. Landry, Waddill, Wadsworth, Wederstrandt and Wikoff voted in the negative—35 nays; consequently the motion was lost.

Mr. WADDILL moved for a division, that is, each paragraph of said section be adopted separately.

The question of order being raised,

The PRESIDENT decided the motion to be out of order.

Mr. CULBERTSON appealed from the decision of the chair, which appeal was rejected, and the decision sustained.

On motion to adopt the section, the yeas and nays being called for,

Messrs. Beatty, Benjamin, Brazeale, Brent, Brumfield, Burton, Carriere, Cenas, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Downs, Eustis, Garrett, Grymes, Guion, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porche, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Roselius, St. Amand, Scott of Baton Rouge, Scott of Madison, Sellers, Splane, Taylor of St. Landry, Wadsworth, Wederstrandt, Wikoff, Winchester and Winder voted in the affirmative—51 yeas; and

Messrs. Bourg, Briant, Chinn, Covillion, Dunn, Garcia, Porter, Pugh, Ratliff, Saunders, Scott of Feliciana, Soule, Taylor of Assumption and Waddill voted in the negative—14 nays; consequently said motion was adopted.

On motion of Mr. SOULE, the senatorial apportionment of the city of New Orleans was taken up, and the yeas and nays being called for on the motion to reconsider said apportionment, resulted as follows:

Messrs. Beatty, Brazeale, Brent, Carriere, Chambliss, Covillion, Culbertson,

Downs, Garcia, Humble, Hynson, Ledoux, McCallop, McRae, Marigny, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Waddill, Wederstrandt and Wikoff voted in the affirmative—32 yeas; and

Messrs. Benjamin, Boudousquie, Bourg, Briant, Brumfield, Burton, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Dunn, Eustis, Garrett, Grymes, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Prudhomme, Pugh, Roselius, St. Amand, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Winchester and Winder voted in the negative—34 nays; consequently the motion was lost.

On motion, the 2d section was taken up, viz:

SEC. 2. The supreme court shall have appellate jurisdiction only except in cases hereinafter provided, which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars.

Mr. RATLIFF moved to amend said section by striking out "five hundred dollars" and inserting "three hundred" in lieu thereof.

Mr. SCOTT of Feliciana, moved for the previous question.

The yeas and nays being called for,

Messrs. Brazeale, Brent, Briant, Carriere, Chambliss, Chinn, Downs, Eustis, Humble, Hynson, Kenner, McCallop, McRae, Marigny, O'Bryan, Peets, Porche, Porter, Prudhomme, Ratliff, Scott of Baton Rouge, Scott of Feliciana, Soulé and Winchester voted in the affirmative—24 yeas; and

Messrs. Beatty, Benjamin, Boudousquie, Burton, Conrad of Orleans, Conrad of Jefferson, Covillion, Dunn, Garcia, Guion, Grymes, Hudspeth, King, Labauve, Ledoux, Legendre, Mayo, Prescott of Avoyelles, Prescott of St. Landry, Read, Roselius, St. Amand, Saunders, Splane, Sellers, Taylor of Assumption, Taylor of St. Landry, Waddill and Wederstrandt voted in the negative—30 nays; consequently said motion was lost.

Mr. BRENT moved to amend the amendment by striking out all the words after "jurisdiction," viz: "shall extend to all

cases where the matter in dispute shall exceed five hundred dollars," with a view of incorporating the principle contained in the 4th section of the minority report.

On motion of Mr. DUNN, the section and amendments were laid on the table, subject to call.

On motion, the 3d section was taken up, viz:

SEC. 3. The supreme court shall be composed of one chief justice and of three associate justices, a majority of whom shall constitute a quorum; each of said judges shall receive a salary of thousand dollars annually. The said court shall appoint its own clerks. The said judges shall be appointed by the governor, by and with the advice and consent of the senate, for the term of ten years.

Mr. DUNN moved to amend said section by striking out the word "three," and insert in lieu thereof the word "four."

Mr. PORTER moved for a division, that is, the Convention first proceed to strike out; the yeas and nays being called for,

Messrs. Briant, Chinn, Conrad of Orleans, Conrad of Jefferson, Dunn, Garcia, Ledoux, Marigny, Porter, Ratliff, Scott of Feliciana and Wadsworth voted in the affirmative—12 yeas; and

Messrs. Beatty, Benjamin, Boudousquie, Brazeale, Brent, Brumfield, Burton, Chambliss, Claiborne, Covillion, Downs, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, King, Legendre, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Read, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt, Winchester and Winder voted in the negative—43 nays; consequently the motion was lost.

Mr. READ moved to strike out the words "each of said judges shall receive a salary of — thousand dollars annually;" the yeas and nays being called for,

Messrs. Brent, Burton, Carriere, Hynson, McCallop, McRae, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Scott of Feliciana and Waddill voted in the affirmative—14 yeas; and

Messrs. Beatty, Benjamin, Boudousquie, Brazeale, Briant, Brumfield, Chambliss,

Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Downs, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Humble, Kenner, King, Ledoux, Legendre, Lewis, Marigny, Mayo, O'Bryan, Peets, Prudhomme, Pugh, Ratliff, Roselius, Saunders, Sellers, Soulé, Splane, Taylor of Assumption, Taylor of St. Landry, Wederstrandt Wikoff and Winchester voted in the negative—41 nays; consequently the motion was lost.

On motion, the Convention adjourned till to-morrow, at 10 o'clock, a. m.

NOTE.—Members absent, *Messrs. Aubert, Cade, Derbes, Penn and Voorhies*, absent on leave; *Messrs. Porche and Trist*, absent on account of sickness; and *Benjamin, Chinn, Conrad of Orleans, Conrad of Jefferson, Culbertson, Eustis, Garcia, Grymes, Hudspeth, Labauve, Preston, Ratliff, Roman, Roselius, St. Amand, Saunders, Wadsworth and Winchester* did not answer to their names at the call of the roll.

SATURDAY, April 19, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the Gospel, the Hon. Mr. STEPHENS, at the request of the president, opened the proceedings with prayer.

The secretary reported the receipt of the printers for the report of the debates of the 14th instant.

Mr. RATLIFF, chairman of the committee on contingent expenses, submitted a report in relation to the funeral expenses of the lamented Hon. GILBERT LEONARD—and the same was unanimously adopted.

On motion of Mr. MARIGNY, the project of Mr. Chinn concerning duelling, and to be incorporated in the general provisions, was referred to a committee of five members.

The PRESIDENT appointed Messrs. Marigny, St. Amand, Porche, Downs and Garcia members of said committee.

Mr. WADDILL submitted the following resolution, to be made the order of the day for Tuesday next, viz:

No member of this Convention shall be eligible to any office created by this constitution, until the expiration of two years after its adoption; the office of governor excepted.

On motion, leave of absence was granted to Messrs. Scott of Madison, and Winder.

ORDER THE OF DAY.

Section third of the majority report on the judiciary.

SEC. 3. The supreme court shall be composed of one chief justice and three associate justices, a majority of whom shall constitute a quorum; each of said judges shall receive a salary of thousand dollars annually. The said court shall appoint its own clerks. The said judges shall be appointed by the governor, by and with the advice and consent of the senate, for the term of ten years.

Mr. DUNN moved to fill the blank with the words "five thousand."

Mr. LEDOUX moved to fill the blank with the words "seven thousand."

On motion of Mr. SAUNDERS, the paragraph in relation to the salary of the judges was laid on the table, subject to call.

Mr. BRENT moved to amend said section by striking out the word "ten" and insert "eight" in lieu thereof.

Mr. SPLANE moved for a division, that is, first proceed to strike out the word "ten," and the yeas and nays being called for,

Messrs. Bourg, Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Downs, Humble, Ledoux, McRae, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens, Waddill and Wederstrandt voted in the affirmative—29 yeas; and

Messrs. Beatty, Benjamin, Boudousquie, Cénas, Chinn, Claiborne, Conrad of Orleans, Dunn, Eustis, Garrett, Grymes, Guion, Hudspeth, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Saunders and Splane voted in the negative—22 nays; consequently the motion was carried.

Mr. SPLANE moved to fill the blank with the word "twelve;" and the yeas and nays being called for,

Messrs. Beatty, Benjamin, Boudousquie, Cénas, Chinn, Claiborne, Conrad of Orleans, Eustis, Grymes, Guion, King, Labauve, Legendre, Marigny, Mazureau, Splane, Taylor of St. Landry and Wadsworth voted in the affirmative—18 yeas; and

Messrs. Bourg, Brazeale, Brent, Briant,

Brumfield, Burton, Carriere, Chambliss, Covillion, Downs, Dunn, Garrett, Hudspeth, Humble, Hynson, Ledoux, Lewis, McRae, Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Stephens, Waddill and Wederstrandt voted in the negative—34 nays; consequently said motion was lost.

Mr. BRENT moved to fill the blank with the word "eight;" and the yeas and nays being called for,

Messrs. Beatty, Boudousquié, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Cénas, Chambliss, Chinn, Covillion, Downs, Dunn, Eustis, Grymes, Garrett, Guion, Hudspeth, Hynson, King, Labauve, Ledoux, Lewis, McRae, Mayo, Marigny, Mazureau, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Taylor of St. Landry, Waddill, Wadsworth and Wederstrandt voted in the affirmative—47 yeas; and

Messrs. Benjamin, Conrad of Orleans, Humble, Legendre, O'Bryan, Splane and Stephens voted in the negative—7 nays; consequently said motion was carried.

On motion the paragraph in relation to the salary of the judges and laid on the table subject to call, was taken up.

Mr. LEDOUX moved to fill the blank in said paragraph with the word "seven."

Mr. WADDILL moved to amend said section as follows, viz: The chief justice shall receive a salary of ——— thousand dollars annually; and each of the associate judges shall receive a salary of ——— thousand dollars annually; which amendment was adopted.

Mr. LEDOUX then moved to fill the first blank with the word "seven." The yeas and nays being called for,

Messrs. Beatty, Benjamin, Boudousquie, Cénas, Chinn, Conrad of Orleans, Eustis, Garcia, Grymes, Guion, King, Labauve, Ledoux, Legendre, Marigny, Mazureau, Roselius, Soulé, Splane, Taylor of St. Landry, Wadsworth and Wederstrandt voted in the affirmative—22 yeas; and

Messrs. Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Chambliss, Claiborne, Covillion, Downs, Dunn, Garrett, Hudspeth, Humble, Hynson, Lewis, McRae,

Mayo, O'Bryan, Peets, Porche, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens, Waddill and Wikoff voted in the negative—35 nays; consequently said motion was lost.

Mr. MARIGNY then moved to fill the blank with the word "six."

Mr. CONRAD of Orleans moved to fill the blank with "six thousand five hundred."

Mr. RATLIFF, chairman of the committee on contingent expenses, submitted the following resolution, and the same was adopted, viz:

Resolved, that the committee on contingent expenses be authorized to issue a warrant in favor of Besancon, Ferguson & Co. editors of the Jeffersonian, for two hundred and fifty dollars on account of printing done and to be done for the Convention.

On motion the Convention adjourned till Monday, at 9 o'clock, a. m.

NOTE—Members absent, *Messrs. Aubert, Cade, Derbes, Penn, Scott of Madison, Voorhies*, and *Winder* absent on leave; *Porche* and *Trist*, absent on account of illness; *Benjamin, Conrad* of New Orleans, *Culbertson, Eustis, Garcia, Grymes, Guion, Kenner, McCallop, Preston, Pugh, Roman, Roselius, St. Amand, Soulé, Taylor* of Assumption and *Winchester* did not answer to their names at the call of the roll.

MONDAY, April 21, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEPHENS, at the request of the president, opened the proceedings with prayer.

The secretary reported the receipt of the printers for the report of the debates of the 15th inst.

On motion, Mr. Downs was excused from serving on the committee, to whom was referred the notice of Mr. Chinn on duelling—and the president appointed Mr. Lewis in his place.

ORDER OF THE DAY.

Section third of the report of the majority on the judiciary.

SEC. 3. The supreme court shall be composed of one chief justice, and of three

associate justices, a majority of whom shall constitute a quorum; the chief justice shall receive a salary of thousand dollars annually; the associate judges shall receive each a salary of thousand dollars annually. The said court shall appoint its own clerks. The said judges shall be appointed by the governor, by and with the advice and consent of the senate, for the term of eight years.

The question under consideration at the adjournment, was the motion of Mr. Conrad of Orleans, to fill the first blank with six thousand five hundred dollars; the yeas and nays being called for,

Messrs. *Beatty, Benjamin, Chinn, Conrad of Orleans, Culbertson, Downs, Eustis, Guion, King, Labauve, Ledoux, Legendre, Marigny, Mazureau, Roman, Roselius, St. Amand, Soule, Splane, Taylor of Assumption, Taylor of St. Landry, Wederstrandt and Winchester* voted in the affirmative—23 yeas; and

Messrs. *Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Chambliss, Claiborne, Covillion, Dunn, Garrett, Hudspeth, Humble, Hynson, Lewis, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens and Waddill* voted in the negative—32 nays; consequently said motion was lost.

Mr. MARIGNY then moved to fill the blank with six thousand dollars; the yeas and nays being called for, (Mr. Labauve in the chair,)

Messrs. *Beatty, Benjamin, Bourg, Briant, Carriere, Chinn, Claiborne, Conrad of Orleans, Culbertson, Downs, Eustis, Garcia, Garrett, Guion, King, Labauve, Ledoux, Legendre, Marigny, Mazureau, Roman, Roselius, St. Amand, Soule, Splane, Taylor of Assumption, Taylor of St. Landry, Wederstrandt and Winchester* voted in the affirmative—29 yeas; and

Messrs. *Brazeale, Brent, Burton, Chambliss, Covillion, Dunn, Hudspeth, Humble, Hynson, Lewis, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens and Waddill* voted in the nega-

tive—27 nays; consequently the motion was carried.

Mr. DUNN moved to fill the second blank with six thousand dollars; the yeas and nays being called, (Mr. Labauve in the chair,)

Messrs. *Beatty, Benjamin, Chinn, Conrad of Orleans, Culbertson, Downs, Dunn, Eustis, Garcia, Guion, King, Labauve, Ledoux, Legendre, Marigny, Mazureau, Roman, Roselius, St. Amand, Soule, Splane, Taylor of St. Landry, Wederstrandt and Winchester* voted in the affirmative—24 yeas; and

Messrs. *Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Chambliss, Claiborne, Covillion, Garrett, Hudspeth, Humble, Hynson, Lewis, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption and Waddill* voted in the negative—32 nays; consequently said motion was lost.

Mr. CLAIBORNE moved to fill the blank with five thousand five hundred dollars; the yeas and nays being called for, (Mr. Labauve in the chair,)

Messrs. *Beatty, Benjamin, Briant, Carriere, Chinn, Claiborne, Conrad of Orleans, Culbertson, Downs, Eustis, Garcia, Garrett, Guion, King, Labauve, Ledoux, Legendre, Marigny, Mazureau, Prudhomme, Roman, Roselius, St. Amand, Soule, Splane, Taylor of Assumption, Taylor of St. Landry, Wederstrandt and Winchester* voted in the affirmative—29 yeas; and

Messrs. *Bourg, Brazeale, Brent, Brumfield, Burton, Chambliss, Covillion, Dunn, Hudspeth, Humble, Hynson, Lewis, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens and Waddill* voted in the negative—27 nays; consequently the motion was adopted.

Mr. BRENT gave notice that he will on a future day, move to reconsider the above vote, allotting the salary of the chief justice and associate judges of the supreme court.

Mr. MARIGNY gave notice that he will

on a future day, move to reconsider the vote rejecting the allotting seven thousand dollars to the chief justice.

Mr. O'BRYAN moved to amend said section by striking out the words, "the said judges shall be appointed by the governor, by and with the advice and consent of the senate," and insert in lieu thereof the words, "shall be elected by the qualified electors of the State."

Mr. CONRAD of Orleans, moved to lay the amendment on the table subject to call.

The yeas and nays being called for, (Mr. Labauve in the chair),

Messrs. Beatty, Benjamin, Bourg, Brazeale, Briant, Carriere, Chinn, Claiborne, Conrad of Orleans, Culbertson, Downs, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, Prescott of St. Landry, Preston, Prudhomme, Roman, Roselius, St. Amand, Scott of Feliciana, Sellers, Soulé, Splane, Taylor of St. Landry and Winchester voted in the affirmative—36 yeas; and

Messrs. Brent, Brumfield, Burton, Chambliss, Covillion, Humble, Hynson, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Read, Saunders, Scott of Baton Rouge, Stephens, Taylor of Assumption, Waddill and Wederstrandt voted in the negative—20 nays; consequently said motion was carried.

Mr. PEETS offered the following amendment, viz:

"The said judges shall be elected by joint ballot of both houses of the general assembly."

Mr. PRESTON offered the following amendment to be inserted after the words, "the said court shall appoint its own clerks," viz:

"*Provided*, They be not related by blood or marriage to either of the judges."

Mr. EUSPIS moved to lay Mr. Preston's amendment on the table indefinitely.

The yeas and nays being called for, (Mr. Labauve in the chair),

Messrs. Beatty, Benjamin, Bourg, Burton, Carriere, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, O'Bryan, Prescott of St. Landry, Prudhomme, Roman, Roselius, St. Amand,

Saunders, Scott of Feliciana, Sellers, Soulé, Splane, Stephens, Taylor of St. Landry, Wederstrandt, Wikoff and Winchester voted in the affirmative—40 yeas; and

Messrs. Brent, Culbertson, Humble, Hynson, Mayo; Peets, Porter, Prescott of Avoyelles, Preston, Read, Scott of Baton Rouge, Taylor of Assumption and Waddill voted in the negative—13 nays; consequently said motion was carried.

On motion of Mr. BRENT, the 3d section, together with the amendment of Mr. Peets, were laid on the table subject to call.

Mr. SOULE submitted an additional section, which was laid on the table subject to call; and ordered to be printed.

Mr. BEATTY submitted the following additional section, viz:

SEC. 4. "When the first appointments are made under this constitution, the chief justice shall be appointed for eight years; one of the associate judges for six years; one for four years; and one for two years; and that on the event of the death, resignation or removal of any of said judges before the expiration of the period for which he was appointed, his successor shall only be appointed for the remainder of his term, so that the term of service of no two of said judges shall expire at the same time."

Mr. BEATTY moved for the adoption of said section; the yeas and nays being called for,

Messrs. Beatty, Benjamin, Bourg, Brent, Burton, Carriere, Chambliss, Chinn, Conrad of Jefferson, Covillion, Culbertson, Downs, Eustis, Garcia, Garrett, Guion, Hudspeth, Humble, Hynson, King, Labauve, Ledoux, Legendre, Lewis, McRae, Mayo, Mazureau, O'Bryan, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt and Wikoff voted in the affirmative—45 yeas; and

Messrs. Briant, Conrad of Orleans, Marigny, Porter, Prudhomme, Roman, Roselius, St. Amand and Winchester voted in the negative—9 nays; consequently said motion was carried, and the section adopted.

On motion, the fourth section was taken up, viz:

SEC. 4. "The supreme court shall hold its sessions in the city of New Orleans,

from the month of November to the month of June, inclusive. The legislature shall have the power to fix the sessions elsewhere during the rest of the year. Until otherwise provided, the sessions shall be held in New Orleans."

Mr. LEWIS moved to amend said section by striking out the words "in New Orleans," and insert in lieu thereof the words "as heretofore."

Mr. EUSTIS moved for the previous question; the yeas and nays being called for,

Messrs. *Beatty, Benjamin, Brent, Briant, Burton, Carriere, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Downs, Eustis, Gareia, Garrett, Guion, Hudspeth, Humble, King, Labauve, Ledoux, Legendre, Marigny, Mayo, Mazureau, O'Bryan, Prescott of Avoyelles, Prudhomme, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Soulé, Splane Stephens, Taylor of Assumption, Taylor of St. Landry, Wederstrandt, Wikoff* and *Winchester* voted in the affirmative—43 yeas; and

Messrs. *Brazeale, Hynson, Lewis, Me. Rae, Peets, Porter, Prescott of St. Landry, Preston, Read* and *Waddill* voted in the negative—10 nays; consequently said motion was carried.

Mr. PRESTON submitted the following substitute, viz:

"That the State shall be divided into four districts. That a judge of the supreme court shall be appointed for and reside in each district. The judge of each district shall, twice a year, hold court in every parish of the district, and try upon the original record, all appeals brought before him from the inferior courts.

If he concurs with the inferior court, the judgment shall be final. If he does not concur in opinion with the inferior court, the case shall be immediately transferred to a session of all the judges of the supreme court, which shall be holden in the city of New Orleans, the first week in January of each year, and shall be continued until all the appeals brought before the court shall be disposed of."

Mr. PORTER moved that the Convention adjourn till to-morrow, at 9 o'clock, a. m.

On a question of order, the PRESIDENT decided the motion to adjourn, in order.

Mr. BEATTY appealed from the decision

of the chair, and called for the yeas and nays, which resulted as follows:

Messrs. *Benjamin, Brazeale, Brent, Briant, Burton, Carriere, Chambliss, Conrad of Orleans, Covillion, Downs, Eustis, Gareia, Garrett, Hudspeth, Humble, Hynson, Lebaue, Ledoux, Lewis, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Preston, Read, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt* and *Wikoff* voted in the affirmative—43 yeas; and

Messrs. *Beatty, Conrad of Jefferson, Guion, King, Legendre, Roman, Sellers* and *Winchester* voted in the negative—8 nays; consequently the decision of the chair was sustained.

On motion, the Convention adjourned till to-morrow, at 9 o'clock, a. m.

NOTE.—Members absent: Messrs. *Aubert, Cade, Derbes, Penn, Scott of Madison, Voorhies* and *Winder* absent on leave; Messrs. *Porche* and *Trist* absent on account of illness; Mr. *Cénas* excused for non-attendance on account of death in his family; Messrs. *Benjamin, Boudousquié, Carriere, Claiborne, Conrad of Orleans, Conrad of Jefferson, Downs, Eustis, Garcia, Grymes, Guion, Kenner, King, Labauve, Ledoux, McCallop, Marigny, Mayo, Preston, Pugh, Ratliff, Roselius, St. Amand, Saunders, Sellers, Taylor of Assumption, Wadsworth, Wikoff, Winchester* and *Winder* did not answer to their names at the first call of the roll.

NOTE.—Members absent at the second call: Messrs. *Aubert, Cade, Derbes, Penn, Scott of Madison, Voorhies* and *Winder*, absent on leave; Messrs. *Porche* and *Trist* absent on account of illness; Mr. *Cénas* excused for non-attendance on account of death in his family; Messrs. *Benjamin, Boudousquié, Carriere, Conrad of Jefferson, Culbertson, Eustis, Garcia, Grymes, Kenner, King, Labauve, McCallop, Marigny, Pugh, Ratliff, Roman, Roselius, St. Amand, Taylor of Assumption, Wadsworth* and *Wikoff* did not answer to their names at the second call of the roll.

TUESDAY, April 22, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEPHENS, at the request of the president, opened the proceedings with prayer.

Mr. HUMBLE gave notice that he would on Tuesday next, move to reconsider the resolution depriving the members of the Convention of their mileage.

Mr. HUMBLE gave notice that he would when the general provisions are taken up, move to reconsider the vote removing the seat of government from the city of New Orleans, for the purpose of locating it permanently.

The resolution offered by Mr. WADDILL, on the 19th inst., being made the special order of the day for to-day, was called up, viz :

“No member of this Convention shall be eligible to any office created by this constitution, until the expiration of two years after its adoption; the office of governor excepted.”

Mr. WADDILL moved to amend said resolution by striking out the words “the office of governor excepted,” and insert in lieu thereof the following amendment, viz : “except to such offices as may be filled by elections by the people.”

Mr. SELLERS moved that the amendment and resolution be laid on the table indefinitely, and the yeas and nays being called for,

Messrs. Aubert, Beatty, Bourg, Brumfield, Burton, Carriere, Chambliss, Chinn, Dunn, Guion, Hudspeth, Humble, King, Labauve, Legendre, Lewis, Mayo, Mazureau, Peets, Prudhomme, Roman, St. Amand, Scott of Feliciana, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wederstrandt, Wikoff and Winchester voted in the affirmative—32 yeas; and

Messrs. Brazeale, Brent, Briant, Covillion, Garrett, Hynson, McRae, O'Bryan, Porter, Prescott of Avoyelles, Prescott of St. Landry, Read, Saunders, Scott of Baton Rouge and Waddill voted in the negative—15 nays; consequently the motion was carried.

ORDER OF THE DAY.

Section fourth of the majority report on the judiciary.

SEC. 4. “The supreme court shall hold its sessions in the city of New Orleans, from the month of November to the month of June inclusive. The legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held in New Orleans.”

The question under consideration at the adjournment, was the motion of Mr. Lewis to strike out the words “in New Orleans,” and insert in lieu thereof the words “as heretofore.” The yeas and nays being called for on the adoption of said amendment,

Messrs. Brazeale, Brent, Burton, Chambliss, Chinn, Covillion, Dunn, Hudspeth, Humble, Hynson, King, Labauve, Lewis, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Stephens, Taylor of St. Landry, Wederstrandt and Wikoff voted in the affirmative—28 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Carriere, Downs, Eustis, Garrett, Guion, Legendre, Mazureau, Preston, Roman, St. Amand, Saunders, Sellers, Splane, Taylor of Assumption, Waddill, Wadsworth and Winchester voted in the negative—23 nays; consequently the motion was carried, and the amendment adopted.

Mr. SPLANE gave notice that he would on Thursday next, at 1 o'clock, move to reconsider the above vote.

Mr. MAYO moved for the adoption of the following amendment, to be inserted at the end of the section, viz :

“Appeals from the parishes of Jackson, Union, Morehouse, Caldwell, Ouachita, Catahoula, Franklin, Carroll, Madison, Teusas and Concordia shall, until otherwise provided, be returnable to New Orleans;” and the same was adopted.

Mr. MAYO moved to amend said section by striking out the word “June,” and insert in lieu thereof the word “July;” which motion was lost.

Mr. BENJAMIN moved to amend said section by inserting after the words “in the city of New Orleans from the,” in the second line, the words “first Monday of,” and the third line after the words “to the,” to insert the words “end of the;” which amendments were adopted.

Mr. PRESTON moved for the adoption of the substitute offered by him, viz:

"That the State shall be divided into four districts. That a judge of the supreme court shall be appointed and reside in each district. The judge of each district shall, twice a year, hold court in every parish of the district, and try upon the original record, all appeals brought before him from the inferior courts.

If he concur with the inferior court, the judgment shall be final. If he do not concur in opinion with the inferior court, the case shall be immediately transferred to a session of all the judges of the supreme court, which shall be holden in the city of New Orleans the first week in January of each year, and shall be continued until all the appeals brought before the court shall be disposed of."

The yeas and nays being called for, on the adoption of the above substitute,

Messrs. Chambliss, Downs, Humble, McRae, O'Bryan, Peets, Porter, Preston, Read, Scott of Baton Rouge, Sellers and Waddill voted in the affirmative—12 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Brent, Briant, Brumfield, Burton, Carriere, Cénas, Chinn, Covillion, Dunn, Garrett, Guion, Hudspeth, Hynson, King, Labauve, Legendre, Lewis, Mayo, Mazureau, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Roman, St. Amand, Saunders, Scott of Feliciana, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Wederstrandt, Wikoff and Winchester voted in the negative—37 nays; consequently said motion was lost.

Mr. O'BRYAN moved to amend said section by striking out in the fifth line the words "during the rest of the year."

The yeas and nays being called for on said amendment,

Messrs. Brazeale, Brent, Brumfield, Burton, Chambliss, Covillion, Hudspeth, Humble, Hynson, Lewis, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Prudhomme, Read, Scott of Baton Rouge, Taylor of St. Landry and Waddill voted in the affirmative—22 yeas; and

Messrs. Aubert, Beatty, Bourg, Benjamin, Briant, Carriere, Cénas, Chinn, Downs, Dunn, Garrett, Guion, King, Labauve, Ledoux, Legendre, Mazureau, Pres-

cott of St. Landry, Roman, St. Amand, Saunders, Scott of Feliciana, Sellers, Splane, Stephens, Taylor of Assumption, Wederstrandt, Wikoff and Winchester voted in the negative—29 nays; consequently said motion was lost.

On motion, the section as amended was adopted, viz:

SEC. 4. The supreme court shall hold its sessions in the city of New Orleans from the first Monday of the month of November to the end of the month of June, inclusive. The legislature shall have the power to fix the sessions elsewhere during the rest of the year. Until otherwise provided, the sessions shall be held as heretofore.

Appeals from the parishes of Jackson, Morehouse, Caldwell, Catahoula, Franklin, Carroll, Madison, Tensas and Concordia shall, until otherwise provided, be returnable to New Orleans.

On motion, the 3d section was taken up, viz:

SEC. 3. The supreme court shall be composed of one chief justice and of three associate justices, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of six thousand dollars annually; and the associate justices shall receive each a salary of five thousand five hundred dollars annually. The said court shall appoint its own clerks. The said judges shall be appointed by the governor, by and with the advice and consent of the senate, for the term of eight years.

Mr. BRENT submitted the following substitute, viz:

"The State shall be divided by the legislature into four districts, numbering them. A judge shall be voted for in each district, by the qualified electors thereof.

"The chief justice shall be elected by the first district."

The yeas and nays being called for on the adoption of the amendment of Mr. Brent,

Messrs. Brent, Brumfield, Burton, Covillion, Chambliss, Hamble, Hynson, McCallop, McRae, Mayo, O'Bryan, Porter, Prescott of Avoyelles, Preston, Read, Scott of Baton Rouge, Stephens, Trist Waddill and Wederstrandt voted in the affirmative—20 yeas; and

Messrs. Aubert, Beatty, Benjamin, Briant, Bourg, Brazeale, Carriere, Cénas,

Chinn, Claiborne, Culbertson, Downs, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, Peets, Prescott of St. Landry, Prudhomme, Roman, Saunders, Scott of Feliciana, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wikoff and Winchester voted in the negative—40 nays; consequently said amendment was lost.

On motion of Mr. PEETS, the following amendment, offered by him, was laid on the table, subject to call, viz:

“The said judges shall be elected by joint ballot of both houses of the general assembly.”

On the motion to adopt the 3d section as amended, viz:

SEC. 3. The supreme court shall be composed of one chief justice and three associate justices, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of six thousand dollars annually; and the associate justices shall receive each a salary of five thousand five hundred dollars annually. The said court shall appoint its own clerks. The said judges shall be appointed by the governor, by and with the advice and consent of the senate.

The yeas and nays being called for,

Messrs. Aubert, Beatty, Bourg, Benjamin, Briant, Carriere, Cénas, Chinn, Claiborne, Culbertson, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazurea, Prudhomme, Roman, St. Amand, Saunders, Scott of Feliciana, Soulé, Splane, Taylor of Assumption, Taylor of St. Landry, Wederstrandt, Wikoff and Winchester voted in the affirmative—35 yeas; and

Messrs. Brazeale, Brent, Burton, Chambliss, Covillion, Dunn, Humble, Hynson, McCallop, McRae, Mayo, O'Bryan, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Sellers, Stephens, Trist and Waddill voted in the negative—23 nays; consequently said motion was carried, and the section was adopted.

On motion, the 5th section was taken up and adopted, viz:

SEC. 5. “The supreme court, and each of the judges thereof, shall have power to issue writs of *habeas corpus* at the instance

of persons in actual custody under process, in all cases in which they may have appellate jurisdiction.”

On motion, the 8th section was taken up and adopted, viz:

SEC. 8. “In all cases in which the judges shall be equally divided in opinion, the judgment appealed from shall stand affirmed; in which case each of the judges shall give his separate opinion in writing.”

On motion, the 11th section was taken up and adopted, viz:

SEC. 11. “No court, or judge of any court, appointed under this constitution, shall exercise any jurisdiction or perform any functions but such as are purely judicial; and no other duties or functions shall ever be attached by law to the office of a judge, but such as are judicial.”

On motion of Mr. KENNER, the vote adopting said section, was reconsidered.

Mr. CONRAD of Orleans, submitted the following as a substitute for said section, viz:

“No judge in this State shall hold any other office, or exercise the functions of any other office, than that of judge; or receive any fees or compensation other than his salary, for any duties that may be assigned to him by law.”

Mr. GUION offered the following substitute, viz:

“The legislature shall not have power to assign any duties to the judges of the supreme or district courts of this State, except those that are purely judicial.”

On motion of Mr. LEWIS, the substitute of Mr. Guion was laid on the table indefinitely.

Mr. DOWNS then offered the following amendment, viz:

“No court, or any judge of any court, appointed under this constitution, shall perform any functions not properly appertaining to the duties of judge.”

The yeas and nays being called for on the adoption of said amendment,

Messrs. Beatty, Brent, Carriere, Chambliss, Conrad of Orleans, Covillion, Dunn, Downs, Garcia, Garrett, Humble, King, Labauve, McCallop, Mayo, O'Bryan, Prescott of Avoyelles, Prudhomme, Roman, Saunders, Scott of Feliciana and Taylor of Assumption voted in the affirmative—23 yeas; and

Messrs. Aubert, Benjamin, Bourg, Bri-

ant, Brumfield, Burton, Conrad of Jefferson, Eustis, Guion, Hudspeth, Hynson, Kenner, Legendre, Lewis, McKrae, Marigny, Mazureau, Peets, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Sellers, Soulé, Splane, Stephens, Taylor of St. Landry, Trist, Waddill, Wederstrandt and Wikoff voted in the negative—32 nays; consequently said motion was lost.

Mr. CONRAD of Orleans, then moved the adoption of the substitute offered by him; which motion was lost.

Mr. MAYO moved to amend said section by striking out the word "party;" which motion prevailed.

Mr. TAYLOR of Assumption, moved to amend said section by adding after the word "jurisdiction," in the third line, the words "or receive any fees of office."

Pending the discussion on said motion, the Convention adjourned till to-morrow at 9 o'clock, a. m.

NOTE.—Members absent, Messrs. Cade, Derbes, Penn, Scott of Madison, Voorhies and Winder absent on leave; Messrs. Porche and Trist absent on account of illness; Mr. Cénas excused for non-attendance on account of death in his family; Messrs. Benjamin, Boudousquié, Carriere, Chinn, Claiborne, Conrad of Jefferson, Culbertson, Downs, Eustis, Garcia, Grymes, Guion, Kenner, King, Labauve, Legendre, McCallop, Marigny, Mazureau, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Roman, Roselius, St. Amand, Saunders, Soulé, Taylor of Assumption, Waddill, Wikoff and Winchester did not answer to their names at the first call of the house.

NOTE.—Members absent at the second call, Messrs. Cade, Derbes, Penn, Scott of Madison, Voorhies and Winder absent on leave; Messrs. Porche and Trist absent on account of sickness; Messrs. Benjamin, Boudousquié, Conrad of Jefferson, Culbertson, Eustis, Garcia, Grymes, Guion, Kenner, McCallop, Marigny, Pugh, Ratliff, Roman, Roselius and Winchester did not answer to their names at the second call of the house.

WEDNESDAY, April 23, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. HIGH opened the proceedings by prayer.

The secretary reported the receipt of the printers for the report of the debates of the 16th inst.

On motion, leave of absence was granted to Mr. DOWNS.

Mr. MARIGNY gave notice that he will, when the general provisions will be under consideration, introduce a section, providing, that the legislature shall have power to extend the rights and privilege of citizens of the State, to such descendants of persons of color born in this State, as the public interest may require.

ORDER OF THE DAY.

Section eleventh of the majority report, as amended, viz :

SEC. 11. No court, or judge of any court, appointed under this constitution, shall exercise any jurisdiction, or perform any functions, but such as are judicial; and no other duties or functions shall ever be attached by law, to the office of a judge, but such as are judicial.

The question under consideration at the adjournment, was the motion of Mr. Taylor of Assumption, to amend by adding after the word "judicial," in the fourth line, the words "or receive any fees of office."

On motion, said amendment was adopted.

Mr. MAYO moved to amend said section, by inserting after the word "functions," in the third line, the words "arise directly from the exercise of judicial functions."

The CHAIR (Mr. Taylor of Assumption in the chair) decided the amendment to be out of order.

Mr. MAYO appealed from the decision of the chair.

On the question being put, the decision was sustained.

Mr. LEWIS then moved the adoption of the section as amended, viz :

SEC. 11. No court, or judge of any court, appointed under this constitution, shall exercise any jurisdiction, or perform any functions but such as are judicial, or receive any fees of office; and no other duties or functions shall ever be attached by law to the office of a judge, but such as are judicial.

The yeas and nays being called for on the adoption of said section,

Messrs. Aubert, Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Chambliss, Chinn, Dunn, Eustis,

Garrett, Hudspeth, Humble, Hynson, King, Ledoux, Legendre, Lewis, McCallop, McRae, Mazureau, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé Stephens, Taylor of St. Landry, Wederstrandt, Wikoff and Winchester voted in the affirmative—41 yeas; and

Messrs. Beatty, Guion, Labauve, Marigny, Mayo, Roman, Trist and Waddill voted the negative—8 nays; consequently said motion was carried, and the section was adopted.

On motion, the twelfth section was taken up, viz :

SEC. 12. No court, or judge of any court, shall ever have the power, by any order or judgment, in any suit, process or other proceeding before them, or pending in such court, to order or adjudge any money to be paid by the parties to such suits or proceedings, or make any allowance out of any money or property that may be in actual custody of said court or officers thereof, except for the payment of the legal fees of the ministerial officers of the said court, as allowed and established by law."

Mr. BENJAMIN offered the following as a substitute for said section, viz :

"No court, or judge of any court, shall ever have the power to order the payment or allowance of any fee or compensation, to any attorney, *curator ad hoc*, or other similar officer, appointed to represent any minor, absent heir, creditor or other party interested in any cause or proceeding, before such court or judge."

Mr. GUION moved to amend said substitute by inserting after the word "compensation," the words "except such as are allowed by law."

Mr. BEATTY moved to lay the section, the substitute and amendment on the table indefinitely. The yeas and nays being called for, (Mr. Taylor of Assumption in the chair,)

Messrs. Beatty, Briant, Carriere, Chinn, Labauve, Soulé and Trist voted in the affirmative—7 yeas; and

Messrs. Aubert, Benjamin, Bourg, Brazeale, Brent, Brumfield, Burton, Cénas, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, King, Legendre, Lewis,

McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Roman, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt, Wikoff and Winchester voted in the negative—50 nays; consequently said motion was lost.

With leave of the house, Mr. BENJAMIN withdrew the substitute offered by him.

Mr. LEWIS then offered the following substitute, viz :

"No court, or judge, shall make any allowance by way of fee or compensation in any suit or proceeding, except for the payment of such fees, to ministerial officers, as may be established by law."

Mr. LEWIS moved the adoption of said substitute.

Mr. CHINN moved for the previous question; which motion prevailed.

Mr. CONRAD of Orleans, moved to amend said substitute, by striking out the words "to ministerial officers." The yeas and nays being called for, (Mr. Taylor of Assumption in the chair,)

Messrs. Aubert, Beatty, Carriere, Conrad of Orleans, Conrad of Jefferson, Dunn, Garrett, Guion, King, Labauve, Ledoux, Porter, Scott of Feliciana, Splane and Trist voted in the affirmative—15 yeas; and

Messrs. Benjamin, Bourg, Brazeale, Brent, Brumfield, Burton, Chambliss, Covillion, Chinn, Eustis, Hudspeth, Humble, Hynson, Kenner, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Roman, St. Amand, Saunders, Scott of Baton Rouge, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt, Wikoff and Winchester voted in the negative—39 nays; consequently said motion was lost.

Mr. DUNN offered the following amendment, to be inserted after the word "compensation," viz :

"Unless such compensation be allowed by a judgment rendered contradictorily with the parties interested."

Mr. DUNN moved for the adoption of said amendment; which motion was lost.

Mr. LEWIS moved for the adoption of the substitute; the yeas and nays being

called for, (Mr. Taylor of Assumption, in the chair,)

Messrs. Aubert, Benjamin, Bourg, Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Chinn, Covillion, Eustis, Hudspeth, Humble, Hynson, Kenner, Legendre, Lewis, McCallop, McRae, Marigny, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, St. Amand, Scott of Baton Rouge, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt, Wikoff and Winchester voted in the affirmative—36 yeas; and

Messrs. Beatty, Conrad of Orleans, Conrad of Jefferson, Downs, Garrett, Guion, King, Labauve, Ledoux, Mayo, Mazureau, Porter, Roman, Saunders, Scott of Feliciana, Sellers, Splane, Trist and Wadsworth voted in the negative—19 nays; consequently said motion was carried, and the substitute adopted.

On motion, the fourteenth section was taken up, viz:

SEC. 14. There shall be an attorney general for the State, and as many other prosecuting attorneys for the State as may be hereafter found necessary. The said attorneys shall be appointed by the governor, with the advice and approbation of the senate. Their duties shall be determined by law.

Mr. McRAE moved to amend said section by striking out the words, "the said attorneys shall be appointed by the governor, by and with the advice and approbation of the senate," and insert in lieu thereof the following amendment, viz:

"The attorney general shall be elected by the qualified electors of the State at large, and the prosecuting attorneys, by the qualified electors of the several districts."

Mr. READ moved for a division, that is, the Convention first proceed to strike out the words "the said attorneys shall be appointed" &c. which motion prevailed.

The yeas and nays being called for on the motion to strike out:

Messrs. Brazeale, Brent, Burton, Carriere, Chambliss, Covillion, Humble, Hynson, Ledoux, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Preston, Read, Scott of Baton Rouge, Scott of Feliciana, Stephens, Trist, Waddill and Wederstrandt voted in the affirmative—23 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Chinn, Conrad of Orleans, Conrad of Jefferson, Dunn, Eustis, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Prescott of St. Landry, Prudhomme, Roman, St. Amand, Saunders, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wikoff and Winchester voted in the negative—31 nays; consequently the motion was lost.

On motion, the said 14th section was adopted.

On motion, the 15th section was taken up, viz:

SEC. 15. The State shall be divided into the following judicial districts, in each of which one judge, learned in the law, shall be appointed. Said districts shall remain unchanged until the first day of January, eighteen hundred and fifty-one:

The first district shall be composed of the parishes of Plaquemines, St. Bernard and Orleans.

Second district, of the parishes of St. Charles and Jefferson.

Third district, of the parishes of Ascension, St. James and St. John the Baptist.

Fourth district, of Assumption, Lafourche Interior and Terrebonne.

Fifth district, of Iberville, West Baton Rouge and Point Coupée.

Sixth district, of East Feliciana and West Feliciana.

Seventh district, of St. Helena, Washington and St. Tammany.

Eighth district, of East Baton Rouge and Livingston.

Ninth district, of Natchitoches and Claiborne.

Tenth district, of Caddo, De Soto and Bossier.

Eleventh district, of Rapides and Avoyelles.

Twelfth district, of Sabine and Calcasieu.

Thirteenth district, of St. Landry and Lafayette.

Fourteenth district, of St. Mary, St. Martin and Vermillion.

Fifteenth district, of Union, Morehouse and Ouachita.

Sixteenth district, of Caldwell, Franklin and Catahoula.

Seventeenth district, of Carroll and Madison.

Eighteenth district, of Tensas and Concordia.

Mr. PORTER moved to amend the first paragraph of said section by striking out the word "appointed" and insert in lieu thereof, the words "elected by joint ballot of both houses of the general assembly." The yeas and nays being called for,

Messrs. *Brazeale, Brent, Burton, Brumfield, Carriere, Chambliss, Covillon, Garrett, Humble, Hynson, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Prudhomme, Read, Scott of Baton Rouge, Stephens, Trist, Waddill and Wederstrandt* voted in the affirmative—23 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Chinn, Conrad of New Orleans, Conrad of Jefferson, Dunn, Eustis, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Marigny, Mazureau, Prescott of St. Landry, Roman, St. Amand, Saunders, Scott of Feliciana, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Wadsworth and Wikoff* voted in the negative—30 nays; consequently said motion was lost.

Mr. GARRETT moved to amend said paragraph by striking out the words "said districts shall remain unchanged until the first day of January, eighteen hundred and fifty-one," and insert in lieu thereof the words "said districts may be changed by the legislature"—which motion was lost.

Mr. BEATTY then offered the following as a substitute for the whole section, viz:

The first legislature assembled under this constitution, shall divide the State into not less than fifteen judicial districts, nor more than twenty-four, which shall remain unchanged for six years thereafter, and be subject to reorganization once in every six years only—for each of which district, one judge learned in the law shall be appointed.

Mr. Beatty moved the adoption of the above substitute.

Mr. SOULE moved for the previous question, which motion prevailed.

Mr. GARRETT moved to amend said substitute by striking out the word "ten" and insert the word "six" in lieu thereof, which motion prevailed.

On the motion of Mr. BEATTY for the adoption of the substitute, the yeas and

nays being called for, resulted as follows:

Messrs. *Beatty, Benjamin, Bourg, Brent, Briant, Burton, Carriere, Claiborne, Conrad of Orleans, Conrad of Jefferson, Garrett, Hudspeth, Hynson, Kenner, McCallop, Preston, Prudhomme, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Taylor of Assumption, Trist, Waddill, Wadsworth and Winchester* voted in the affirmative—26 yeas; and

Messrs. *Aubert, Brazeale, Brumfield, Chambliss, Covillion, Dunn, Eustis, Guion, Humble, Labauve, Ledoux, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Roman, Roselius, St. Amand, Soule, Splane, Stephens, Taylor of St. Landry, Wederstrandt and Wikoff* voted in the negative—32 nays; consequently said motion was lost.

Mr. PORTER then moved to amend said first paragraph as follows, viz:

The State shall be divided into ten judicial districts.

The yeas and nays being called for on the adoption of said amendment:

Messrs. *Brumfield, Kenner, McCallop, Porter, Stephens, Taylor of Assumption and Trist* voted in the affirmative—7 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Burton, Carriere, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, King, Labauve, Ledoux, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, O'Bryan, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Soule, Splane, Taylor of St. Landry, Waddill, Wadsworth, Wederstrandt, Wikoff and Winchester* voted in the negative—51 nays; consequently said amendment was lost.

Mr. LEWIS moved the adoption of the first paragraph as reported, viz:

SEC. 15. The State shall be divided into the following judicial districts, in each of which one judge learned in the law, shall be appointed; said districts shall remain unchanged until the first day of January, eighteen hundred and fifty-one.

The yeas and nays being called for on the adoption of said paragraph:

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brazeale, Briant, Brumfield, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Dunn, Eustis, Guion, Hudspeth, Humble, Hynson, Labauve, Ledoux, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Prudhomme, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Splane, Stephens, Waddill, Wadsworth, Wederstrandt, Wikoff* and *Winchester* voted in the affirmative—44 yeas; and

Messrs. *Brent, Burton, Carriere, Garrett, Kenner, King, O'Bryan, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Taylor of Assumption, Taylor of St. Landry, and Trist* voted in the negative—15 nays; consequently said paragraph was adopted.

Mr. LEWIS then moved the adoption of the remainder of said section.

Mr. TAYLOR of Assumption moved for a division, that is, to adopt the remainder of said section by districts—which motion prevailed.

The first district was then taken up, viz:

The first district shall be composed of the parishes of Plaquemines, St. Bernard and Orleans.

Mr. WADSWORTH moved to amend said district by striking out the word "Orleans" and insert in lieu thereof, the words "that part of the parish of Orleans on the right bank of the river."

Mr. GUION moved to reconsider the vote adopting the previous question; the yeas and nays being called for,

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Claiborne, Conrad Orleans, Conrad of Jefferson, Eustis, Garrett, Guion, Hynson, Ledoux, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Preston, Prudhomme, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Sellers, Soulé, Taylor of Assumption, Trist, Wadsworth* and *Winchester* voted in the affirmative—35 yeas; and

Messrs. *Brazeale, Briant, Brumfield, Burton, Carriere, Chambliss, Covillion, Dunn, Hudspeth, Humble, Kenner, King, Labauve, McCallop, O'Bryan, Prescott of*

Avoyelles, Read, Scott of Feliciana, Splane, Taylor of St. Landry, Waddill, Wederstrandt and *Wikoff* voted in the negative—23 nays; consequently said motion was carried.

Mr. WADSWORTH moved for the adoption of the amendment, and called for the yeas and nays (Mr. Claiborne in the chair:)

Messrs. *Briant, Conrad of Orleans, Dunn, Kenner, Legendre, Marigny, Scott of Feliciana, Soulé, Stephens, Wadsworth* and *Wederstrandt* voted in the affirmative—11 yeas; and

Messrs. *Aubert, Beatty, Bourg, Brent, Brumfield, Burton, Carriere, Chambliss, Conrad of Jefferson, Covillion, Eustis, Guion, Hudspeth, Humble, Hynson, King, Labauve, Ledoux, Lewis, McCallop, McRae, Mayo, Mazureau, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Trist, Waddill, Wikoff* and *Winchester* voted in the negative—45 nays; consequently said amendment was lost.

On motion, said first district was adopted as reported, viz:

The first district shall be composed of the parishes of Plaquemines, St. Bernard and Orleans.

On motion, the Convention adjourned till to-morrow at nine o'clock, a. m.

NOTE—Members absent—Messrs. *Cade, Derbes, Downs, Penn, Scott of Madison, Voorhies* and *Winder* absent on leave; Messrs. *Porche* and *Trist* absent on account of sickness; Messrs. *Benjamin, Boudousquie, Carriere, Cenas, Chambliss, Chinn, Conrad of Orleans, Conrad of Jefferson, Culbertson, Eustis, Garcia, Grymes, Guion, Marigny, Mazureau, Preston, Pugh, Ratliff, Roman, Roselius, St. Amand, Saunders, Soulé, Taylor of Assumption, Taylor of St. Landry, Wadsworth, Wikoff* and *Winchester* did not answer to their names at the first call of the house.

NOTE—Members absent at the second call of the house—Messrs. *Benjamin, Boudousquie, Carriere, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Eustis, Garcia, Grymes, Guion, Ledoux, Preston, Pugh, Ratliff, Roselius, St Amand,*

Taylor of Assumption, Wadsworth and Winchester.

THURSDAY, April 24, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEPHENS, at the request of the President, opened the proceedings with prayer.

Mr. GARRETT gave notice that he will, during the day, move to reconsider the vote adopting the eleventh section.

On motion of Mr. HUMBLE, the vote adopting the fourteenth section, was reconsidered.

Mr. HUMBLE then moved to amend said section by adding after the word "senate," in the fifth line, the words "for the term of two years." Which amendment was adopted.

On motion, the section as amended was adopted, viz:

There shall be an attorney general for the State, and as many other prosecuting attorneys for the State as may hereafter be found necessary.

The said attorneys shall be appointed by the governor, with the advice and approbation of the senate, for the term of two years.

Their duties shall be determined by law.

This being the day fixed for the taking in consideration the reports of the committee of revision, on motion, the report of said committee, on the executive department, was taken up, viz:

ARTICLE THIRD.

The first section, as reported, was adopted, viz:

SEC. 1. "The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the governor of the State of Louisiana. He shall hold his office during the term of four years, and together with the lieutenant governor, chosen for the same term, be elected as follows.

The second section was taken up, viz:

SEC. 2. The citizens entitled to vote for representatives, shall vote for a governor and lieutenant governor, at the same time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning

officer created by law, to the secretary of State, who shall deliver them to the speaker of the house of representatives, on the second day of the session of the general assembly then next to be holden. The members of the general assembly shall meet in the house of representatives, to examine and count the votes. The person having the greatest number of votes for governor, shall be declared duly elected; but if two or more persons shall be equal and highest in the number of votes polled for governor, one of them shall be immediately chosen governor by joint vote of the members of the general assembly. The person having the greatest number of votes for lieutenant governor, shall be lieutenant governor; but if two or more persons shall be equal and highest in the number of votes polled for lieutenant governor, one of them shall be immediately chosen lieutenant governor by the joint vote of the members of the general assembly.

The committee recommend the following correction, viz:

Strike out, in the seventh line, the words "created by law;" and the same was adopted.

The section, as corrected, was adopted, viz:

SEC. 2. The citizens entitled to vote for representatives, shall vote for a governor and lieutenant governor, at the same time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the secretary of State, who shall deliver them to the speaker of the house of representatives, on the second day of the sessions of the general assembly then next to be holden; the members of the general assembly shall meet in the house of representatives to examine and count the votes; the person having the greatest number of votes for governor, shall be declared duly elected, but if two or more persons shall be equal and highest in the number of votes polled for governor, one of them shall be immediately chosen governor by joint vote of the members of the general assembly. The person having the greatest number of votes for lieutenant governor, shall be lieutenant governor; but if two or more persons shall be equal and highest in the number of votes polled for lieutenant go-

vernor, one of them shall be immediately chosen lieutenant governor by the joint vote of the members of the general assembly.

The third section was taken up and passed without corrections, viz:

SEC. 3. No person shall be eligible to the office of governor or lieutenant governor, who shall not have attained the age of thirty-five years, and has not been fifteen years a free white male citizen of the United States, and of this State next preceding his election.

The fourth section was taken up, viz:

SEC. 4. The governor shall enter in the discharge of his duties on the fourth Monday of the January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected, and his successor shall have taken the oath or affirmation prescribed by this constitution.

On motion of Mr. BEATTY, the words "his successor," in the seventh line, was struck out; and the section, as corrected, was adopted, viz:

SEC. 4. The governor shall enter in the discharge of his duties on the fourth Monday of the January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected, and shall have taken the oath or affirmation prescribed by this constitution.

The fifth section was taken up and adopted, viz:

SEC. 5. The governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

Section sixth was taken up and adopted, viz:

SEC. 6. No member of Congress or persons holding any office under the United States, or minister of any religious society shall be eligible to the office of governor or lieutenant governor.

Section seventh was taken up and adopted, viz:

SEC. 7. In case of the impeachment of the governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the power and duties of the office shall devolve upon

the lieutenant governor for the residue of the term, or until the governor absent or impeached, shall return or be acquitted. The legislature may provide by law for the case of removal, impeachment, death, resignation, disability, or refusal to qualify, of both the governor and lieutenant governor, declaring what officer shall act as governor; and such officer shall act accordingly, until the disability be removed, or for the residue of the term.

Section eighth was taken up and adopted, viz:

SEC. 8. The lieutenant governor, or other officer discharging the duties of governor, shall, during his administration, receive the same compensation to which the governor would have been entitled, had he continued in office.

The ninth section was taken up and adopted, viz:

SEC. 9. The lieutenant governor shall, by virtue of his office, be president of the senate, but shall have only a casting vote therein. Whenever he shall administer the government, or shall be unable to attend as president of the senate, the senators shall elect one of their own members as president of the senate for the time being.

The tenth section was taken up and adopted, viz:

SEC. 10. While he acts as president of the senate, the lieutenant governor shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more.

The eleventh section was taken up and adopted, viz:

SEC. 11. The governor shall have power to grant reprieves for all offences against the State, and except in cases of impeachment, shall, with the consent of the senate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves, until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

The twelfth section was taken up and adopted, viz:

SEC. 12. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

The thirteenth section was taken up and adopted, viz :

SEC. 13. He shall be commander in chief of the army and navy of this State and of the militia thereof, except when they shall be called into the service of the United States.

The fourteenth section was taken up and adopted, viz :

SEC. 14. He shall nominate and appoint, with the advice and consent of the senate, all officers whose offices are established by this constitution, and whose appointments are not herein otherwise provided for: *Provided*, however, that the legislature shall have a right to prescribe the mode of appointment to all other offices to be established by law.

The fifteenth section was taken up and adopted, viz :

SEC. 15. The governor shall have power to fill up vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this constitution.

The committee of revision recommend the following correction, viz: to strike out from the second line the word "up," which correction was adopted, and the section as corrected, was adopted, viz :

SEC. 15. The governor shall have power to fill vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this constitution.

The sixteenth section was taken up and adopted, viz :

SEC. 16. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

The seventeenth section was taken up, and adopted, viz :

SEC. 17. He shall, from time to time, give to the general assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

The eighteenth section was taken up, viz :

SEC. 18. He may, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place, if that should have become danger-

ous from an enemy or from contagious disorders; and in case of disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such a time as he may think proper, not exceeding four months.

Mr. READ moved to correct said section, by striking out in the seventh line the words "with respect." and insert the word "as," which correction was adopted, and the section as corrected, was adopted, viz :

SEC. 18. He may, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from contagious disorders; and in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

The nineteenth section was taken up and adopted, viz :

SEC. 19. He shall take care that the laws be faithfully executed.

The twentieth section was taken up, viz :

SEC. 20. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it, if not, he shall return it with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journal, and proceed to reconsider it; if, after such reconsideration, two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been sent to him, it shall be a law in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

Mr. ——— moved to correct said sec.

tion by striking out in the fifth and sixth lines the words "shall have," which motion prevailed.

Mr. BENJANIN moved to strike out in the sixth line the word "who" and insert in lieu thereof the word "which," and in the seventh line to strike out the word "their" and insert the word "its," which motion prevailed, and the section as corrected was adopted, viz :

SEC. 20. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it, if not he shall return it with his objections, to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if, after such reconsideration, two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been sent to him, it shall be a law in like manner as if he had signed it, unless the general assembly, by adjournment prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

Section twenty-first was taken up and adopted, viz:

SEC. 21. Every order, resolution or vote to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect be approved by him, or being disapproved, shall be repassed by two thirds of both houses.

The twenty-second section was taken up, viz :

SEC. 22. A secretary of state shall be nominated and appointed by the Governor, with the advice and consent of the senate, and commissioned to hold his office during the term for which the governor shall have been elected. The records of the State shall be kept and preserved in the office of the secretary. He shall keep a fair regis-

ter of the official acts and proceedings of the governor, and, when necessary, shall attest them. He shall, when required, lay the said register and all papers, minutes and vouchers relative to his office, before either house of the general assembly, and shall perform such other duties as may be enjoined on him by law.

The committee of revision recommend the correction of the first paragraph of said section as follows, viz :

"There shall be a secretary of state, who shall hold his office during the time for which the governor shall have been elected," which correction was adopted, and the section as corrected was adopted, viz:

SEC. 22. There shall be a secretary of state, who shall hold his office during the time for which the governor shall have been elected. The records of the State shall be kept and preserved in the office of the secretary. He shall keep a fair register of the official acts and proceedings of the governor, and when necessary, shall attest them. He shall, when required, lay the said register and all papers, minutes and vouchers relative to his office, before either house of the general assembly, and shall perform such other duties as may be enjoined on him by law.

Section twenty-third was taken up and adopted, viz.

SEC. 23. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal and signed by the governor.

Section twenty-fourth was taken up and adopted, viz:

SEC. 24. The militia of this State shall be organized in such manner as may be hereafter deemed most expedient by the legislature.

Section twenty-fifth was taken up and adopted, viz:

SEC. 25. The free white men of the State shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal services.

ARTICLE 4th—JUDICIARY DEPARTMENT.

On motion of Mr. MAYO the 21st section was reconsidered, viz:

SEC. 21. Every order, resolution, or vote, to which the concurrence of both

houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both houses.

Mr. MAYO moved to amend said section by inserting after the word "of" in the 8th line the words "the members elected of"; which motion prevailed, and the section as amended, was adopted, viz:

SEC. 21. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of the members elected, of both houses.

On motion of Mr. PEETS, the vote rejecting the substitute offered by Mr. Beatty, was reconsidered, and the substitute taken up, viz:

The first legislature assembled under this constitution shall divide the State into not less than fifteen judicial districts, nor more than twenty-four, which shall remain unchanged for six years thereafter, and be subject to reorganization once in every six years only; for each of which districts one judge learned in the law shall be appointed.

Mr. RATLIFF moved to strike out the word "fifteen" and insert "twelve;" the yeas and nays being called for, (Mr. Saunders in the chair,)

Messrs. Beatty, Benjamin, Chinn, Eustis, Kenner, King, Labauve, Legendre, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Preseott of St. Landry, Prudhomme, Ratliff, Read, Roman, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Stephens, Taylor of Assumption, Trist, Waddill and Winchester voted in the affirmative—27 yeas; and

Messrs. Aubert, Bourg, Brumfield, Burton, Carriere, Cénas, Chambliss, Claiborne, Covillion, Dunn, Garrett, Guion, Hudspeth, Humble, Hynson, Ledoux, Lewis, Marigny, O'Bryan, Pugh, Sellers, Taylor of St. Landry, Wederstrandt and Wikoff voted in the negative—24 nays; consequently said motion was carried.

On motion of Mr. RATLIFF, the blank was filled with the word "twelve."

Mr. LABAUVE moved to amend said sub-

stitute by fixing the maximum of the districts at twenty; he therefore moved to strike out after the word twenty, the word four. The yeas and nays being called for, (Mr. Saunders in the chair,)

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Burton, Carriere, Chambliss, Chinn, Eustis, Guion, Hynson, Kenner, King, Labauve, Legendre, McCallop, Marigny, Peets, Porter, Prudhomme, Pugh, Ratliff, Roman, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Soule, Stephens, Taylor of Assumption, Trist, Waddill and Winchester voted in the affirmative—34 yeas; and

Messrs. Covillion, Dunn, Garrett, Hudspeth, Humble, Ledoux, Lewis, McRae, Mayo, O'Bryan, Preseott of Avoyelles, Prescott of St. Landry, Preston, Read, Sellers, Taylor of St. Landry, Wederstrandt and Wikoff voted in the negative—18 nays; consequently said motion was carried.

Mr. O'BRYAN moved to amend said substitute by striking out the word "twenty;" which motion was lost.

Mr. BEATTY moved for the adoption of the substitute as amended, viz:

The first legislature assembled under this constitution shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year thereafter; The number of districts shall not be less than twelve, nor more than twenty. For each district, one judge learned in the law shall be appointed.

The yeas and nays being called for on the adoption of the above substitute, (Mr. Saunders in the chair,)

Messrs. Aubert, Benjamin, Bourg, Briant, Brumfield, Burton, Carriere, Cénas, Chambliss, Chinn, Covillion, Eustis, Garrett, Guion, Hudspeth, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Preseott of Avoyelles, Prudhomme, Pugh, Ratliff, Read, Roman, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Wadsworth, Wederstrandt, Wikoff and Winchester voted in the affirmative—46 yeas; and

Messrs. Brazeale, Dunn, Humble, O'Bryan, Porter, Preston, Saunders and Waddill voted in the negative—8 nays;

consequently said motion was carried, and the substitute was adopted.

On motion of Mr. MAYO, the sixteenth section was taken up, and laid on the table indefinitely, viz:

SEC. 16. After the first of January eighteen hundred and fifty-one, the legislature may reorganize the said districts; which shall remain unchanged for ten years thereafter, and be subject to reorganization once in every ten years, provided the number of districts shall never be less than eighteen, nor more than twenty-four.

On motion, the seventeenth section was taken up, viz:

SEC. 17. Whenever a new parish shall be formed out of two or more parishes belonging to different districts, the said new parish shall be attached to one of them.

Mr. CHINN moved that the said section be laid on the table indefinitely; which motion was lost.

On motion, the said seventeenth section was adopted.

On motion, the eighteenth section was taken up, viz:

SEC. 18. Each of said judges shall receive a salary of not less than twenty-five hundred dollars annually. He must be a citizen of the United States, over the age of thirty years, and have resided in the State for six years next preceding his appointment, and have practiced law therein for the space of five years.

Mr. RATLIFF moved to amend said section by striking out in the fourth line the word "thirty," and insert in lieu thereof the word "twenty-six," which motion was lost.

Mr. READ submitted the following as a substitute for the first paragraph, viz:

"The legislature shall provide an adequate compensation for each of said district judges, which shall not be increased or diminished during his term of office."

Mr. GARRETT moved to lay the above substitute on the table indefinitely; the yeas and nays being called for, (Mr. Saunders in the chair,)

Messrs. Aubert, Benjamin, Bourg, Brinant, Brumfield, Carriere, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Dunn, Eustis, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mayo, Prudhomme, Pugh, Roman, Roselius, St. Amand,

Sellers, Soulé, Stephens, Taylor of St. Landry, Trist, Wadsworth and Winchester voted in the affirmative—36 yeas; and

Messrs. Brazeale, Burton, Chambliss, Covillion, Humble, Hynson, McCallop, McRae, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Taylor of Assumption, Waddill, Wederstrandt and Wikoff voted in the negative—23 nays; consequently the motion was carried.

Mr. PORTER submitted the following amendment, to be inserted at the end of the section, viz:

"Except in such judicial districts as the major part of the parishes of which have been organized since the year 1840, and that the exception only extends to the first apportionment of judges."

On motion of Mr. WINCHESTER said amendment was laid on the table indefinitely.

Mr. TAYLOR of Assumption, offered the following as a substitute for the first paragraph of said section, and the same was adopted, viz:

"Each of said judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, which salary shall never be less than two thousand five hundred dollars annually."

On motion the section as amended was adopted, viz:

SEC. 18. Each of said judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, which salary shall never be less than twenty-five hundred dollars. He must be a citizen of the United States, over the age of thirty years, and have resided in the State for six years next preceding his appointment, and have practised law therein for the space of five years.

On motion the nineteenth section was taken up, viz:

SEC. 19. The judges of said district courts, and of the courts to be established in the cities of New Orleans and Lafayette, shall hold their offices for the term of six years, and shall be appointed by the governor, by and with the advice and consent of the senate; provided, that when the first appointments, made under this constitution, are made, six of said district judges shall

be appointed for the term of two years, six for the term of four years, and six for the term of six years.

Mr. BRENT moved to amend by inserting four years instead of six years, in the third line.

Mr. KENNER moved for a division, that is, strike out first the word "six," which motion prevailed.

Mr. BENJAMIN offered the following as a substitute for all the words coming in the seventh line to the end of the section, viz:

"The judges shall be divided by lot into three classes, as nearly equal as may be, and the term of office of the judges of the first class shall expire at the end of two years, of the second class at the end of four years, and of the third class at the end of six years."

Mr. KENNER moved for the previous question on the whole section, which motion prevailed.

The yeas and nays being called for on the motion of Mr. Brent, to strike out "six," (Mr. Saunders in the chair,)

Messrs. *Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Humble, Hynson, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Soule, Stephens, Taylor of Assumption, Trist, Waddill and Wikoff* voted in the affirmative—27 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Briant, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Dunn, Eustis, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, McCallop, Prudhomme, Pugh, Roman, Roselius, St. Amand, Saunders, Sellers, Taylor of St. Landry, Wederstrandt, and Winchester* voted in the negative—31 nays; consequently the motion was lost.

Mr. BRENT moved to amend by striking out in the fourth line the word "governor," and insert in lieu thereof "qualified electors of each district."

Mr. BRENT moved to reconsider the vote adopting the previous question. The yeas and nays being called for, (Mr. Saunders in the chair,)

Messrs. *Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Eustis, Humble, Hynson, Ledoux, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoy-*

elles, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Sellers, Soule, Stephens, Trist, Waddill and Wederstrandt voted in the affirmative—27 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brazeale, Briant, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Dunn, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, McCallop, Marigny, Mazureau, Prudhomme, Pugh, Roman, Roselius, St. Amand, Scott of Feliciana, Taylor of Assumption, Taylor of St. Landry, Wikoff and Winchester* voted in the negative—32 nays; consequently said motion was lost.

The yeas and nays being called for on the motion of Mr. Brent to strike out the word "governor," (Mr. Saunders in the chair,)

Messrs. *Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Humble, Hynson, McCallop, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Ratliff, Read, Scott of Baton Rouge, Stephens, Trist, Waddill and Wederstrandt* voted in the affirmative—23 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Bourg, Brazeale, Briant, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Dunn, Eustis, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, Prescott of St. Landry, Prudhomme, Pugh, Roman, Roselius, St. Amand, Scott of Feliciana, Sellers, Soule, Taylor of Assumption, Taylor of St. Landry, Wikoff and Winchester* voted in the negative—37 nays; consequently said motion was lost.

On motion, Mr. BENJAMIN's amendment was adopted, viz:

On motion, the nineteenth section, as amended was adopted, viz:

SEC. 19. The judges of said district courts, and of the courts to be established in the cities of Orleans and Lafayette, shall hold their offices for the term of six years, and shall be appointed by the governor by and with the advice and consent of the senate; *provided*, that when the first appointments made under this constitution, the judges shall be divided by lot into three classes, as nearly equal as may be, and the term of office of the judges of the first class shall expire at the end of two years, of the second class at the end of four

years, and of the third class at the end of six years.

On motion of Mr. SOULE, the additional section, submitted by him, was taken up, viz :

The appointing power with respect to judges shall be exercised by the governor, in the manner following, to wit : He shall name and present three competent persons, learned in the law, and having practised at least five years in the courts of the State, for every office to be filled in the judiciary department; and the senate shall make their selection from the three persons thus named and presented, and shall vote *viva voce* and with open doors; *Provided*, no appointment shall be effected unless it meets the concurrence of a majority of all the members composing the senate; and provided the judge at the expiration of whose time shall give occasion to an appointment, be one of the three first presented by the governor to the choice of the senate. After three unsuccessful attempts to make a selection, it shall be the duty of the governor to name and present three other persons, and so on, until a choice be effected.

Mr. KENNER moved to lay on the table, indefinitely the additional section of Mr. Soulé. The yeas and nays being called for,

Messrs. Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cénas, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Eustis, Guion, Hudspeth, Humble, Hynson Kenner, King, Labauve, Ledoux, Legendre, Marigny, Mayo, Mazureau, O'Bryan, Peets, Preston, Prudhomme, Read, Roman, Roselius, St. Amand, Saunders, Scott of Feliciana, Stephens, Taylor of Assumption, Taylor of St. Landry and Winchester voted in the affirmative—41 yeas; and

Messrs. Carriere, Covillion, Dunn, Garrett, Lewis, McCallop, McRae, Porter, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Ratliff, Sellers, Soulé, Trist, Waddill, Wederstrandt and Wikoff voted in the negative—18 nays; consequently said motion was carried.

On motion, the Convention adjourned till to-morrow, at 9 o'clock, a. m.

NOTE—Members absent: Messrs. Cade, Derbes, Downs, Penn, Scott of Madison, Voorhies and Winder absent on leave; Mr. Porche on account of sickness; Messrs.

Benjamin, Boudousquié, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Eustis, Garcia, Grymes, Guion, Hynson, King, Marigny, Mazureau, Prudhomme, Pugh, Ratliff, Roman, Roselius, St. Amand, Soulé, Taylor of Assumption, Wadsworth and Winchester did not answer to their names at the call of the house.

FRIDAY, April 25, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings with prayer.

Mr. RATLIFF, chairman of the committee on contingent expenses, submitted the following resolution, and the same was adopted, viz:

Resolved, that the committee on contingent expenses be authorised to issue a warrant in the usual form for the sum of forty-four dollars and twenty-nine cents in favor of James Carpenter, sergeant-at-arms, in remuneration for that sum expended by him for the use of the Convention.

On motion of Mr. BENJAMIN the vote adopting the substitute of Mr. Beatty was reconsidered, and the same taken up, viz:

The first legislature assembled under this constitution shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year thereafter; the number of districts shall not be less than twelve nor more than twenty. For each district one judge, learned in the law, shall be appointed.

Mr. BENJAMIN moved to amend said substitute by adding at the end of the same the following amendment, viz:

"Except in the districts in which the cities of New Orleans and Lafayette are situated, the legislature may establish as many district courts as the public interest may require;" which amendment was adopted.

On motion the substitute as amended was adopted, viz:

The first legislature assembled under this constitution shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year thereafter; the number of districts shall not be less than twelve nor more than twenty. For each district one judge, learned in the law,

shall be appointed; except in the districts in which the cities of New Orleans and Lafayette are situated, the legislature may establish as many district courts as the public interest may require.

On motion of Mr EUSTIS the vote adopting the first section of article fourth was reconsidered and the same taken up, viz:

SEC. 1. The judicial power shall be vested in a supreme court, in district courts to be established throughout the State, in justices of the peace, and such other courts in the cities of New Orleans and Lafayette as the legislature may from time to time direct.

Mr. EUSTIS moved to amend said section by striking out the words "and such other courts in the cities of New Orleans and Lafayette as the legislature may from time to time direct;" which amendment was adopted.

On motion the section as amended was adopted, viz:

SEC. 1. The judicial power shall be vested in a supreme court, in district courts to be established throughout the State, and in justices of the peace.

ORDER OF THE DAY.

The question under consideration at the adjournment was the following section submitted by Mr. Mayo, viz:

The senate, in acting upon the nomination of the judges made by the governor shall vote *viva voce*, with open doors, and the votes of at least seventeen senators shall be necessary to confirm a nomination.

To which section Mr. TAYLOR offered the following substitute, viz:

A majority of all the members elected to the senate, shall be required for the confirmation or rejection of officers appointed by the governor, with the advice and consent of the senate, and the senate in deciding thereon shall vote by yeas and nays, and the names of the senators voting for and against the appointments respectively shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

Mr. KENNER moved to amend said substitute by striking out the words "and made public at the end of each session, or before," and insert the following words: "and to be published at the discretion of the senate."

Mr. BEATTY moved to lay the substitute and amendment on the table, subject to call. The yeas and nays being called for, (Mr. Saunders in the chair,)

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Cenas, Chinn, Eustis, Garrett, Guion, Kenner, King, Labauve, Legendre, McCallop, Mazureau, Pugh, Roman and Splane voted in the affirmative—19 yeas; and

Messrs. Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Claiborne, Covillion, Culbertson, Dunn, Hudspeth, Humble, Hynson, Ledoux, Lewis, McRae, Marigny, Mayo, Peets, Porter, Prescott of Avoyelles, Preston, Prudhomme, Ratliff, Read, St. Amand, Saunders, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Waddill, Wederstrandt, Wikoff and Winchester voted in the negative—37 nays; consequently said motion was lost.

The yeas and nays being called for on the amendment of Mr. Kenner to insert "at the discretion of the senate," (Mr. Saunders in the chair,)

Messrs. Aubert, Beatty, Benjamin, Briant, Carriere, Chambliss, Chinn, Claiborne, Eustis, Guion, Kenner, King, Labauve, Legendre, McCallop, Marigny, Mazureau, Pugh, Roman, Trist, Wadsworth and Winchester voted in the affirmative—21 yeas; and

Messrs. Bourg, Brazeale, Brent, Brumfield, Burton, Cenas, Covillion, Culbertson, Dunn, Garrett, Hudspeth, Humble, Hynson, Ledoux, Lewis, McRae, Mayo, Porter, Prescott of Avoyelles, Preston, Prudhomme, Ratliff, Read, St. Amand, Scott of Feliciana, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt and Wikoff voted in the negative—33 nays; consequently said motion was lost.

Mr. TAYLOR of Assumption moved for the adoption of the substitute, and the yeas and nays being called for, (Mr. Saunders in the chair,)

Messrs. Beatty, Bourg, Brazeale, Brent, Brumfield, Carriere, Chambliss, Covillion, Culbertson, Dunn, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Ledoux, Lewis, McCallop, McRae, Mayo, O'Bryan, Peets, Porter, Prescott of Avoyelles, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, St. Amand, Scott of Feliciana,

Sellers, Splane, Stephens, Taylor of St. Landry, Taylor of Assumption, Trist and Wederstrandt voted in the affirmative—40 yeas; and

Messrs. Aubert, Benjamin, Briant, Burton, Cenas, Chinn, Claiborne, Conrad of Jefferson, Eustis, King, Labauve, Legendre, Marigny, Mazureau, Wadsworth, Waddill, Wikoff and Winchester voted in the negative—18 nays; consequently said motion was carried, and the substitute was adopted.

On motion of Mr. BENJAMIN, the above substitute was referred to the committee of revision, to be classed in the legislative article.

Mr. CLAIBORNE submitted the following additional section, viz:

On the expiration of the term of any judicial officer, whenever the governor shall not have nominated to the senate for the succeeding term, the incumbent in office, any senator may nominate said incumbent, and in such case the senate shall have power to select between the incumbent in office and the person nominated by the governor, or to reject both.

Mr. EUSTIS submitted as a substitute for the above, the following, viz:

On nominations for judicial officers, after the first appointments under this constitution, if a majority of the members elected to the senate shall advise the re-appointment of the incumbent, he shall be re-appointed.

Mr. TAYLOR of Assumption moved to lay the substitute on the table indefinitely; the yeas and nays being called for, (Mr. Saunders in the chair,)

Messrs. Brazeale, Brent, Carriere, Chambliss, Covillion, Humble, Hynson, Kenner, Ledoux, Legendre, McCallop, McRae, O'Bryan, Porter, Prescott of Avoyelles, Preston, Prudhomme, Ratliff, Read, Sellers, Splane, Stephens, Taylor of Assumption, Waddill and Wederstrandt voted in the affirmative—25 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Burton, Cenas, Chinn, Claiborne, Conrad of Orleans, Dunn, Eustis, Garrett, Guion, Hudspeth, King, Labauve, Lewis, Marigny, Mayo, Prescott of St. Landry, Pugh, Roman, St. Amand, Scott of Feliciana, Taylor of St. Landry, Wikoff and Winchester voted

in the negative—29 nays; consequently said motion was lost.

Mr. KENNER moved to amend said substitute by inserting after the word "senate" the words "and house of representatives."

Mr. BEATTY moved for the previous question, which motion prevailed.

The yeas and nays being called for on the adoption of the amendment of Mr. Kenner, to insert the words "and house of representatives," (Mr. Saunders in the chair,)

Messrs. Brazeale, Brent, Carriere, Chambliss, Humble, Kenner, McCallop, McRae, Mayo, Porter, Prudhomme, Ratliff, Read, Taylor of Assumption, Trist and Waddill voted in the affirmative—16 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Burton, Cenas, Chinn, Claiborne, Conrad of Orleans, Covillion, Dunn, Eustis, Garrett, Guion, Hudspeth, Hynson, King, Labauve, Ledoux, Legendre, Lewis, Marigny, Mazureau, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Pugh, Roman, St. Amand, Scott of Feliciana, Sellers, Soulé, Stephens, Taylor of St. Landry, Wadsworth, Wederstrandt, Wikoff and Winchester voted in the negative—41 nays; consequently said motion was lost.

Mr. KENNER then offered the following amendment, viz:

"It shall be competent for a majority of the members elected to the senate to re-elect the incumbent." Which amendment was rejected.

The yeas and nays being called for on the adoption of the substitute of Mr. Eustis, (Mr. Saunders in the chair,)

Messrs. Aubert, Benjamin, Briant, Brumfield, Burton, Cenas, Dunn, Eustis, Garrett, Guion, Hudspeth, King, Lewis, Marigny, Mazureau, Pugh, Roman, St. Amand, Taylor of St. Landry, Wikoff and Winchester voted in the affirmative—21 yeas; and

Messrs. Bourg, Brazeale, Brent, Carriere, Chambliss, Chinn, Claiborne, Conrad of Orleans, Covillion, Humble, Hynson, Kenner, Labauve, Ledoux, Legendre, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Feliciana, Sellers, Soulé, Splane,

Stephens, Taylor of Assumption, Trist, Waddill, Wadsworth and Wederstrandt voted in the negative—36 nays; consequently said motion was lost.

The yeas and nays being called for on the adoption of the section of Mr. Claiborne, (Mr. Saunders in the chair,)

Messrs. Aubert, Benjamin, Bourg, Briant, Brumfield, Burton, Cénas, Claiborne, Conrad of Orleans, Dunn, Garrett, Guion, Hudspeth, King, Lewis, Marigny, Mazureau, Pugh, Roman, St. Amand, Scott of Feliciana, Taylor of St. Landry, Wadsworth and Winchester voted in the affirmative—24 yeas; and

Messrs. Brazeale, Brent, Carriere, Chambliss, Chinn, Covillion, Humble, Hynson, Kenner, Labauve, Ledoux, Legendre, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Trist, Waddill, Wederstrandt and Wikoff voted in the negative—32 nays; consequently the motion was lost.

On motion, section twentieth was taken up, viz:

SEC. 20. The said district courts shall have general original jurisdiction in all civil cases when the amount in dispute exceeds fifty dollars. In all criminal cases, and in all matters connected with successions, their jurisdiction shall be unlimited.

Mr. BENJAMIN moved to amend said section by inserting after the word "dollars" in the third line, the words "exclusive of interest;" and the same was adopted.

On motion, the section as amended was adopted, viz:

SEC. 20. The said district courts shall have general original jurisdiction in all civil cases when the amount in dispute exceeds fifty dollars exclusive of interest. In all criminal cases, and in all matters connected with successions, their jurisdiction shall be unlimited.

The twenty-first section was taken up, viz:

SEC. 21. The legislature shall have power to vest in clerks of court authority to grant such orders and do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases the powers thus granted shall be specified and determined.

Mr. RATLIFF moved to amend said sec-

tion by striking out, in the third line, the words "and do such acts."

Mr. KENNER moved for the previous question; which motion prevailed.

The yeas and nays being called for on the motion of Mr. Ratliff to strike out the words "and do such acts," (Mr. Saunders in the chair,)

Messrs. Carriere, Covillion, Porter, Ratliff, Scott of Feliciana and Taylor of Assumption voted in the affirmative—6 yeas; and

Messrs. Aubert, Benjamin, Bourg, Brazeale, Brent, Brumfield, Burton, Cénas, Chambliss, Chinn, Conrad of Orleans, Eustis, Garrett, Guion, Humble, Hynson, Kenner, King, Labauve, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, Roman, Roselius, St. Amand, Sellers, Splane, Stephens Taylor of St. Landry, Trist, Waddill, Wederstrandt, Wikoff and Winchester voted in the negative—45 nays; consequently said motion was lost.

On motion, said section was adopted.

Mr. GARRETT submitted the following additional section, viz:

"The clerks of the district court shall be elected by the qualified electors in each parish, for the term of four years."

Mr. MAYO offered the following substitute, viz:

"There shall be elected in each parish of the State, by the qualified electors thereof, at the time of the general election for members of the general assembly, a sheriff, coroner, surveyor, and clerk of the district court, and a competent number of notaries public, justices of the peace, and constables, who shall hold their offices for the term of two years, and until their successors are qualified."

On motion, the additional section and substitute were laid on the table, subject to call.

Section twenty-second was taken up, viz:

SEC. 22. The clerks of the several courts shall be removable for breach of good behavior, by the judges thereof, subject in all cases, to an appeal to the supreme court.

On motion, said section was laid on the table, subject to call,

Section twenty-third was taken up, viz :

SEC. 23. The jurisdiction of the justices of the peace shall never exceed, in civil cases, the sum of fifty dollars. They shall be elected by the qualified voters of each parish, for the term of _____ years.

Mr. GARRETT moved to fill up the blank in said section, with the word "two," which motion prevailed.

Mr. BRENT moved to amend said section by striking out in the second line, the word "fifty," and insert the words "one hundred." The yeas and nays being called for, (Mr. Saunders in the chair,)

Messrs. *Bourg, Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Claiborne, Conrad of Orleans, Covillion, Humble, Hynson, Labauve, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Roman, Roselius, St. Amand, Splane, Taylor of Assumption, Waddill and Wederstrandt* voted in the affirmative—31 yeas; and

Messrs. *Aubert, Cènas, Dunn, Eustis, Garrett, Guion, Kenner, King, Legendre, Lewis, Mazureau, Pugh, Scott of Feliciana, Sellers, Stephens, Taylor of St. Landry, Trist, Wikoff and Winchester* voted in the negative—19 nays; consequently said motion was carried.

On motion of Mr. LABAUVE, said section was amended by inserting after the word "dollars," in the third line, the words "exclusive of interest."

Mr. RATLIFF moved to amend, by inserting in the third line after the words "exclusive of interest," the following amendment, viz :

"Subject to an appeal to the district court in all cases wherein the matter in dispute exceeds twenty-five dollars;" which amendment was adopted.

Mr. SPLANE moved to amend by striking out the words, "they shall be elected by the qualified voters of each parish." The yeas and nays being called for, (Mr. Saunders in the chair,)

Messrs. *Briant, Cenas, Claiborne, Conrad of Orleans, Eustis, Labauve, Legendre, Marigny, Mazureau, Roman, Roselius, St. Amand, Splane, Taylor of St. Landry and Winchester* voted in the affirmative—15 yeas; and

Messrs. *Aubert, Bourg, Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss,*

Covillion, Dunn, Garrett, Guion, Hudspeth, Humble, Hynson, King, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Prescott, of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Saunders, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Waddill, Wederstrandt and Wikoff voted in the negative—37 nays; consequently said motion was lost.

On motion, the section as amended was adopted, viz :

SEC. 23. The jurisdiction of justices of the peace shall never exceed, in civil cases, the sum of one hundred dollars, exclusive of interest, subject to an appeal to the district court in all cases wherein the matter in dispute exceeds twenty-five dollars. They shall be elected by the qualified voters of each parish for the term of two years.

Section twenty-four was taken up, viz :

SEC. 24. The judges of the supreme court and district courts, provided for in this constitution, shall be appointed and commissioned as soon as possible after this constitution shall go into effect; and the legislature shall provide for the removal of all cases now pending in the supreme and other courts of the State under the present constitution, to the supreme and district courts, created by this constitution, and to the other courts that may be created by the legislature for the city of New Orleans.

Mr. GARRETT moved to amend by striking out the words "and to the other courts that may be created by the legislature for the city of New Orleans;" which motion prevailed.

On motion, the section as amended, was adopted, viz :

SEC. 24. The judges of the supreme court and district courts, provided for in this constitution, shall be appointed and commissioned as soon as possible after this constitution shall go into effect; and the legislature shall provide for the removal of all causes now pending in the supreme or other courts of the State under the present constitution, to the supreme and district courts, created by this constitution.

On motion, the second section was taken up, viz :

SEC. 2. The supreme court shall have appellate jurisdiction only, except in cases hereinafter provided, which jurisdiction shall

extend to all cases where the matter in dispute shall exceed five hundred dollars.

Mr. LEWIS moved to amend said section by inserting in the second line after the word "jurisdiction," the words "on questions of law."

And pending the discussion on said motion the Convention adjourned till to-morrow, at 9 o'clock, a. m.

NOTE—Members absent, *Messrs. Cade, Derbes, Downs, Penn, Scott* of Baton Rouge, *Scott* of Madison, *Voorhies*, and *Winder* absent on leave; Mr. *Porche* absent on account of sickness; and *Messrs. Boudousquie, Brent, Briant, Carriere, Dunn, Eustis, Garcia, Grymes, Guion, Hynson, Prescott* of Avoyelles, *Prudhomme, Ratliff, Roman, Roselius* and *Soulé* did not answer to their names at the first call of the house.

NOTE—Members absent at second call of the house: *Messrs. Benjamin, Boudousquie, Carriere, Chinn, Claiborne, Conrad* of Orleans, *Conrad* of Jefferson, *Eustis, Garcia, Grymes, Guion, Prudhomme, Pugh, Ratliff, Roselius, St. Amand, Saunders, Soulé, Taylor* of Assumption, *Wadsworth* and *Winchester*.

SATURDAY, April 26, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WILEY opened the proceedings with prayer.

On motion leave of absence was granted to *Messrs. Read, O'Bryan, Beatty, Huds-peth, Chinn* and *Waddill*.

The secretary reported the receipt of the printers for the report of the debates of the 16th inst.

On motion of Mr. HUMBLE, the vote adopting the 23d section was reconsidered, and said section was taken up—viz:

SEC. 23. The jurisdiction of justices of the peace shall never exceed in civil cases the sum of one hundred dollars exclusive of interest, subject to an appeal to the district court in all cases wherein the matter in dispute shall exceed twenty-five dollars. They shall be elected by the qualified votes of each parish for the term of two years.

Mr. PRESTON offered as a substitute for the above section, the 10th section of the minority report, viz:

SEC. 10. A suitable number of magistrates shall be chosen in every parish, by

the qualified electors thereof, for the term of two years, who shall have jurisdiction of all cases when the amount in controversy, or penalty to be inflicted, does not exceed one hundred dollars, subject to appeal, to be determined by law, and shall perform such other duties as may be provided by law.

Mr. GARRETT moved that the substitute be laid on the table indefinitely; the yeas and nays being called for (Mr. Taylor of Assumption in the chair,)

Messrs. Aubert, Bourg, Brazeale, Brumfield, Chambliss, Claiborne, Conrad of Orleans, *Dunn, Eustis, Garrett, Guion, Hynson, King, Lewis, Marigny, Mazareau, Peets, Prescott* of Avoyelles, *Prudhomme, Pugh, Roman, Sellers, Stephens, Taylor* of St. Landry, *Wederstrandt*, and *Wikoff* voted in the affirmative—26 yeas: and

Messrs. Brent, Briant, Burton, Carriere, Covillion, Humble, McCallop, McRae, Mayo, Porter, Preston, Ratliff, Saunders, Scott of Feliciana, and *Taylor* of Assumption voted in the negative—15 nays; consequently said motion was carried.

Mr. LEWIS moved to amend said section by striking out the words, "in all cases wherein the matter in dispute shall exceed twenty-five dollars," and insert in lieu thereof the following words, "in such cases as shall be provided for by law;" which amendment was adopted.

Mr. LEWIS moved to amend said section by adding at the end of the same the following amendment, viz. "And shall have such criminal jurisdiction as shall be provided for by law;" which amendment was adopted.

On motion the section as amended was adopted, viz:

SEC. 23. The jurisdiction of justices of the peace shall never exceed, in civil cases, the sum of one hundred dollars, exclusive of interest, subject to an appeal to the district court, in such cases as shall be provided for by law. They shall be elected by the qualified voters of each parish for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

Mr. CLAIBORNE gave notice that he will on a future day more to reconsider the vote adopting after reconsideration the amendment of the seventh section, because he believed the reconsideration to be out of order.

(Mr. TAYLOR of Assumption in the chair.) The question of order raised is a very important one, and the chair thinks it proper to express its opinion on it, although it is not now necessary to decide it formally.

The chair does not concur in the opinion expressed by the delegate from New Orleans, that the rules were made for the protection of absent members, and that they cannot be dispensed with without previous notice.

Rules are made for the government of the house, and that is composed of the members present forming a quorum.

In the opinion of the chair it does not admit of a doubt, that four-fifths of the members present can at any time and without any previous notice, suspend any rule; and that the proceedings had in pursuance of such suspension of a rule, are in all respects regular, and that they cannot at any future time be called in question on that ground. Any thing done with the unanimous assent of the house, as in the instance referred to, necessarily involves a suspension of the rules, and the chair would in consequence decide that there had been in that instance no violation of the rules adopted for its government.

Mr. SELLERS gave notice that he would, on Thursday next, move to reconsider the vote adopting the eighth section of the legislative article.

ORDER OF THE DAY.

Section second of the majority report.

SEC. 2. The supreme court shall have appellate jurisdiction only, except in cases hereinafter provided, which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars.

The question under consideration at the adjournment was the motion of Mr. Lewis to amend said section by inserting after the word "jurisdiction," in the second line, the words "on questions of law."

On motion the order of the day was laid on the table, subject to call.

Mr. RATLIFF, chairman of the committee on contingent expenses, submitted the following resolution, and the same was adopted, viz:

Resolved, that the committee on contingent expenses be authorized to issue warrants in favor of, viz:

J. Demornell for the sum of two hundred and fifty dollars;

One in favor of Major Galley, commanding New Orleans battalion of artillery, for the sum of one hundred and six dollars and eighty cents;

One in favor of Conrey & Co. for the sum of sixty-seven dollars and fifty cents;

One in favor of Rufus Fernandez, jr. for the sum of four hundred and ninety-six dollars and thirty-seven cents;

One in favor of the wardens of the church of St. Louis, of the city of New Orleans; for the sum of ninety dollars;

One in favor of P. H. Mousseau for the sum of eighty dollars;

One in favor of A. Formes, for the sum twenty-two dollars.

One in favor of Besançon, Ferguson & Co., editors of the Jeffersonian, for the sum of eight dollars.

Mr. EUSTIS moved that the Convention adjourn till Monday next at 9 o'clock, a. m. The yeas and nays being called for (Mr. Taylor of Assumption, in the chair),

Messrs. Benjamin, Briant, Carriere, Cenas, Claiborne, Culbertson, Eustis, Garrett, Guion, Humble, King, Lewis, Marigny, Prescott of Avoyelles, Ratliff, Roman, Soulé, Stephens, Taylor of Assumption, Taylor of St. Landry, Wederstrandt and Wikoff voted in the affirmative—22 yeas; and

Messrs. Aubert, Bourg, Brent, Burton, Chambliss, Covillion, Dunn, Hynson, McCallopp, Mayo, Peets, Porter, Prescott of St. Landry, Preston, Pugh, Scott of Feliciana and Sellers voted in the negative—17 nays; consequently said motion was carried, and the Convention adjourned till Monday at 9 o'clock, a. m.

NOTE.—Members absent at the first call of the house: *Messrs. Cade, Chinn, Derbes, Downs, O'Bryan, Penn, Read, Scott of Baton Rouge, Scott of Madison, Voorhies, Waddill and Winder* absent on leave; Mr. *Porche* absent on account of illness; and *Messrs. Benjamin, Boudousquière, Claiborne, Conrad of Orleans, Conrad of Jefferson, Eustis, Garcia, Grymes, Guion, Labauve, Ledoux, Legendre, Marigny, Mazureau, Preston, Roman, Roselius, St. Amand, Saunders, Splane, Taylor of Assumption, Trist, Wikoff and Winchester* did not answer to their names.

NOTE.—Absent at the second call: Messrs. Benjamin, Boudousquie, Claiborne, Conrad of Orleans, Conrad of Jefferson, Eustis, Garcia, Grymes, Guion, Kenner, Labauve, Ledoux, Legendre, Marigny, Preston, Roselius, St. Amand, Splane, Trist, Wikoff and Winchester.

NOTE.—Absent at the third call: Messrs. Benjamin, Boudousquie, Cénas, Claiborne, Conrad of New Orleans, Conrad of Jefferson, Garcia, Grymes, Kenner, Labauve, Ledoux, Legendre, Prescott of St. Landry, Roselius, St. Amand, Soulé, Splane, Trist, Wadsworth, Wikoff and Winchester.

MONDAY, April 28, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEPHENS, at the request of the president, opened the proceedings with prayer.

The secretary reported the receipt of the printers for the report of the debates of the 16th and 17th instant.

On motion, Messrs. Soulé, Sellers, Prescott of Avoyelles and Taylor of Assumption were excused for non-attendance on account of illness.

ORDER OF THE DAY.

Section second of the majority report on the judiciary.

SEC. 2. The supreme court shall have appellate jurisdiction only, except in cases hereinafter provided, which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars.

Mr. LEWIS moved to amend said section by adding at the end of the same the following amendment, viz:

"The legislature may limit the jurisdiction of the supreme court to questions of law only, in such cases as shall be determined by law."

The yeas and nays being called for, on the adoption of said amendment,

Messrs. Brazeale, Brent, Burton, Carriere, Chambliss, Conrad, Covillion, Guion, Humble, Hynson, Lewis, McRae, Mayo, Peets, Porter, Pugh, Scott of Feliciana and Taylor of St. Landry voted in the affirmative—18 yeas; and

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Brumfield, Cénas, Claiborne, Dunn, Eustis, Garrett, Grymes, King, Legendre, McCallop, Marigny, Mazureau, Prudhomme,

me, Ratliff, Roman, Roselius, St. Amand, Scott of Baton Rouge, Splane, Stephens, Wederstrandt Wikoff and Winder voted in the negative—27 nays; consequently said motion was lost, and the amendment was rejected.

Mr. LEWIS then offered on behalf of Mr. Taylor of Assumption, the following as substitute to said section, viz:

"The supreme court shall have civil and criminal jurisdiction on appeals or writs of error in such cases as the legislature may direct, which shall be exercised in the manner prescribed by law;" which substitute was rejected."

Mr. MAYO moved to amend said section by striking out in the last line the word "five," and insert in lieu thereof the word "three." The yeas and nays being called for,

Messrs. Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Dunn, Garrett, Humble, Hynson, McCallop, McRae, Mayo, Peets, Porter, Prudhomme, Pugh, Ratliff, Scott of Baton Rouge, Scott of Feliciana, Splane, Stephens, Taylor of St. Landry, Wederstrandt, Wikoff and Winder voted in the affirmative—27 yeas; and

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Cénas, Claiborne, Conrad of Orleans, Eustis, Grymes, Guion, King, Legendre, Lewis, Marigny, Mazureau, Roman, Roselius and St. Amand voted in the negative—18 nays; consequently said motion was carried.

On motion, the section as amended was adopted, viz:

SEC. 2. The supreme court shall have appellate jurisdiction only except in cases hereinafter provided, which jurisdiction shall extend to all cases where the matter in dispute shall exceed three hundred dollars.

Section twenty-second was taken up and adopted, viz:

SEC. 22. The clerks of the several courts shall be removable for breach of good behavior, by the judges thereof, subject in all cases, to an appeal to the supreme court.

Mr. CONRAD of Orleans gave notice that he will on Wednesday, move to reconsider the vote rejecting the substitute offered by Mr. Claiborne, providing that the executive shall send to the senate the

names of all judges whose term of service shall have expired.

Mr. CLAIBORNE gave notice that he will on Wednesday next, move to reconsider the vote adopting the first section of article fourth.

Mr. MAYO gave notice that he will on Wednesday next, move to reconsider the vote adopting the eleventh and twelfth sections of article fourth.

Mr. PORTER submitted the following additional sections, viz :

SEC. —. Clerks in the district courts in this State, shall be elected by the qualified electors in each parish, for the term of years, and should a vacancy occur subsequent to an election, it shall be filled by the judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

SEC. —. A sheriff shall be elected in each parish by the qualified voters thereof, who shall hold his office for the term of two years, unless sooner removed ; and who shall not be eligible to serve either as principle or deputy for the two succeeding years. Should a vacancy occur subsequent to an election, it shall be filled by the governor, and the person so appointed shall continue in office until the next general election.

SEC. —. All other parish officers shall be elected by the qualified electors of the different parishes, in such manner as shall be prescribed by law.

Mr. CONRAD moved that the above sections be laid on the table, and made the special order of the day for Wednesday next, and that they be printed.

Mr. BRENT moved for a division, that is, to take up each section separately, which motion prevailed.

Mr. CONRAD then moved that the first section be laid on the table, and made the special order of the day for Wednesday next, and that the same be printed, which motion was lost.

Mr. HUMBLE moved to fill the blank in the first section with the word "two."

Mr. GARRETT moved to fill the blank in said section with the word "four."

Mr. CENAS moved to fill the blank with the word "six." The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquié,

Cenas, Claiborne, Conrad of Orleans, Eustis, Guion, Legendre, Mazureau, Pugh, Roman, Roselius, Splane, Taylor of St. Landry and Wadsworth voted in the affirmative—16 yeas ; and

Messrs. Bourg, Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Dunn, Garrett, Humble, Hynson, King, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prudhomme, Ratliff, St. Amant, Saunders, Scott of Baton Rouge, Scott of Feliciana, Stephens, Wederstrandt, Wikoff and Windervoted in the negative—29 nays; consequently said motion was lost.

Mr. GARRETT then moved to fill the blank with "four."

The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquié, Bourg, Cenas, Claiborne, Conrad of Orleans, Dunn, Eustis, Garrett, Guion, King, Lewis, Peets, Prudhomme, Pugh, Roman, Roselius, St.-Amand, Saunders, Splane, Taylor of St. Landry, Wadsworth, Wikoff and Winder voted in the affirmative—25 yeas ; and

Messrs. Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Humble, Hynson, Legendre, McCallop, McRae, Mayo, Mazureau, Porter, Ratliff, Scott of Baton Rouge, Scott of Feliciana, Stephens and Wederstrandt voted in the negative—20 nays; consequently said motion was carried, and the blank filled with the word "four."

The yeas and nays being called for on the motion to adopt the first section as amended, viz :

SEC. —. Clerks of the district courts in this State, shall be elected by the qualified electors in each parish for the term of four years; and should a vacancy occur subsequent to an election, it shall be filled by the judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election—resulted as follows:

Messrs. Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Dunn, Garrett, Humble, Hynson, McCallop, McRae, Mayo, Peets, Porter, Prudhomme, Ratliff, Saunders, Scott of Baton Rouge, Scott of Feliciana, Stephens, Wederstrandt and Wikoff voted in the affirmative—24 yeas; and

Messrs. Aubert, Benjamin, Boudousquié, Bourg, Cenas, Claiborne, Conrad of Or-

leans, *Conrad* of Jefferson, *Eustis*, *Guion*, *King*, *Legendre*, *Lewis*, *Mazureau*, *Pugh*, *Roman*, *Roselius*, *St. Amand*, *Splane*, *Taylor* of St. Landry, *Wadsworth* and *Winder* voted in the negative—22 nays; consequently said motion was carried, and the section as amended was adopted.

Mr. WADSWORTH then gave notice that he will, on Wednesday next, move to reconsider the vote adopting said section.

Mr. GARRETT submitted the following additional section, and the same was rejected, viz:

“Clerks of courts shall be required to give bond and security in the manner to be determined by law, before entering upon the discharge of their official duties.”

The second additional section offered by Mr. PORTER was taken up, viz:

SEC. A sheriff shall be elected in each parish by the qualified voters thereof, who shall hold his office for the term of two years, unless sooner removed; and who shall not be eligible to serve either as principal or deputy, for the two succeeding years. Should a vacancy occur subsequent to an election, it shall be filled by the governor, and the person so appointed shall continue in office until the next general election.

Mr. MAYO moved to amend said section by striking out the words “and who shall not be eligible to serve either as principal or deputy for the two succeeding years.” The yeas and nays being called for,

Messrs. *Aubert*, *Bourg*, *Brazeale*, *Brent*, *Brumfield*, *Burton*, *Chambliss*, *Claiborne*, *Conrad* of Orleans, *Covillion*, *Dunn*, *Eustis*, *Guion*, *Humble*, *Hynson*, *King*, *Legendre*, *Lewis*, *McRae*, *Marigny*, *Mayo*, *Peets*, *Porter*, *Prudhomme*, *Ratliff*, *Roman*, *Scott* of Baton Rouge, *Scott* of Feliciana, *Splane*, *Stephens*, *Taylor* of St. Landry, *Wederstran*, *Wikoff* and *Winder* voted in the affirmative—34 yeas; and

Messrs. *Benjamin*, *Boudousquie*, *Cènas*, *Conrad* of Jefferson, *Garrett*, *McCallop*, *Mazureau*, *Pugh*, *Roselius*, *Saunders* and *Wadsworth* voted in the negative—11 nays; consequently said motion was carried.

Mr. EUSTIS moved to lay on the table subject to call, the said section; which motion was lost.

Mr. CONRAD of Orleans moved to

amend said section, by adding to the same the following proviso, viz:

Provided, That if any sheriff should fail to pay over any moneys of the State collected by him, the parish for which he was elected, shall be responsible for the deficiency.

Mr. BRENT moved that said proviso be laid on the table indefinitely.

And pending the discussion on said motion, the Convention adjourned until tomorrow, at nine o'clock, a. m.

NOTE—Members absent at the first call of the house—Messrs. *Beatty*, *Cade*, *Chinn*, *Derbes*, *Downs*, *Hudspeth*, *O'Bryan*, *Penn*, *Read*, *Scott* of Madison, *Voorhies*, *Waddill* and *Winder* absent on leave—Messrs. *Porche*, *Prescott* of Avoyelles, *Soulé*, *Sellers* and *Taylor* of Assumption, absent on account of illness—and Messrs. *Benjamin*, *Brumfield*, *Conrad* of Orleans, *Conrad* of Jefferson, *Eustis*, *Garcia*, *Grymes*, *Guion*, *Kenner*, *Labauve*, *Ledoux*, *Marigny*, *Preston*, *Roselius*, *St. Amand*, *Splane*, *Taylor* of St. Landry, *Trist*, *Wadsworth*, *Wikoff* and *Winchester* did not answer to their names.

NOTE—Members absent at the second call of the house—Messrs. *Benjamin*, *Conrad* of Orleans, *Conrad* of Jefferson, *Eustis*, *Garcia*, *Grymes*, *Guion*, *Kenner*, *Labauve*, *Ledoux*, *Preston*, *Roselius*, *St. Amand*, *Splane*, *Taylor* of St. Landry, *Trist*, *Wadsworth*, *Wikoff* and *Winchester* did not answer to their names at the second call.

TUESDAY, April 29, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WARREN opened the proceedings with prayer.

The secretary reported the receipt of the printers for the report of the debates of the 17th inst.

This being the day fixed to reconsider the vote laying on the table subject to call, the resolution allowing mileage to members,

Mr. HUMBLE moved for the reconsideration; the yeas and nays being called for,

Messrs. *Brazeale*, *Brent*, *Briant*, *Brumfield*, *Burton*, *Chambliss*, *Chinn*, *Covillion*, *Culbertson*, *Dunn*, *Humble*, *Hynson*, *McCallop*, *McRae*, *Mayo*, *Peets*, *Penn*, *Porter*,

Prescott of St. Landry, *Ratliff*, *Read*, *Scott* of Baton Rouge, *Scott* of Feliciana, *Splane*, *Stephens*, *Taylor* of St. Landry, *Voorhies*, *Wederstrandt*, and *Wikoff* voted in the affirmative—29 yeas; and

Messrs. *Aubert*, *Boudousquie*, *Bourg*, *Carriere*, *Eustis*, *Guion*, *Kenner*, *King*, *Legendre*, *Lewis*, *Maznreau*, *Prudhomme*, *Pugh*, *Roman*, *Saunders*, *Winchester* and *Winder* voted in the negative—17 nays; consequently the motion was carried, and the resolution was taken up, viz :

“Resolved, That the committee on contingent expenses be instructed to inquire into and ascertain the amount of mileage due to each member of this body, for his traveling to and returning home from the Convention in New Orleans, and direct the payment of the same.”

To which resolution Mr. *BEATTY* had offered the following amendment, viz :

“And that the committee report to the Convention.”

Mr. *GUION* moved the adoption of the amendment, which motion was lost.

Mr. *KENNER* then offered the following amendment, viz :

“Provided that when the member lives farther from New Orleans than from the town of Jackson, but when the member lives nearer to New Orleans than to Jackson no additional mileage shall be allowed.”

Mr. *GUION* moved to lay the whole subject on the table indefinitely; and the yeas and nays being called for,

Messrs. *Aubert*, *Boudousquie*, *Brazeale*, *Brent*, *Briant*, *Carriere*, *Conrad* of New Orleans, *Eustis*, *Guion*, *Kenner*, *King*, *Labauve*, *Legendre*, *Lewis*, *Mazureau*, *Penn*, *Prudhomme*, *Pugh*, *Roman*, *Wadsworth*, *Wikoff*, *Winchester* and *Winder* voted in the affirmative—23 yeas; and

Messrs. *Brumfield*, *Burton*, *Cenas*, *Chambliss*, *Chinn*, *Claiborne*, *Couvillon*, *Culbertson*, *Dunn*, *Humble*, *Hynson*, *McCallop*, *McRae*, *Marigny*, *Mayo*, *Peets*, *Porter*, *Prescott* of St. Landry, *Ratliff*, *Read*, *Saunders*, *Scott* of Baton Rouge, *Scott* of Feliciana, *Splane*, *Stephens*, *Taylor* of St. Landry, *Trist*, *Voorhies*, *Waddill* and *Wederstrandt* voted in the negative—30 nays; consequently said motion was lost.

Mr. *RATLIFF* moved to lay the proviso offered by Mr *Kenner* on the table indefinitely, the yeas and nays being called for

Messrs. *Briant*, *Brumfield*, *Burton*, *Chambliss*, *Chinn*, *Covillion*, *Culbertson*, *Dunn*, *Humble*, *McCallop*, *McRae*, *Mayo*, *Peets*, *Porter*, *Prescott* of St. Landry, *Prudhomme*, *Ratliff*, *Read*, *Saunders*, *Scott* of Baton Rouge, *Scott* of Feliciana, *Splane*, *Stephens*, *Taylor* of St. Landry, *Trist*, *Voorhies*, *Waddill* *Wederstrandt* and *Wikoff* voted in the affirmative—29 yeas; and

Messrs *Aubert*, *Boudousquie*, *Brazeale*, *Brent*, *Carriere*, *Cenas*, *Claiborne*, *Eustis*, *Guion*, *Hynson*, *Kenner*, *King*, *Labauve*, *Legendre*, *Lewis*, *Mazureau*, *Penn*, *Pugh*, *Roman*, *Wadsworth*, *Winchester* and *Winder* voted in the negative—22 nays; consequently the motion was carried.

Mr. *RATLIFF* then moved for the adoption of the resolution; the yeas and nays being called for,

Messrs. *Brumfield*, *Burton*, *Cenas*, *Chambliss*, *Chinn*, *Covillion*, *Culbertson*, *Dunn*, *Humble*, *McCallop*, *McRae*, *Peets*, *Porter*, *Prescott* of St. Landry, *Ratliff*, *Read*, *Saunders*, *Scott* of Baton Rouge, *Scott* of Feliciana, *Splane*, *Stephens*, *Taylor* of St. Landry, *Voorhies*, *Waddill* and *Wederstrandt*, voted in the affirmative—25 yeas; and

Messrs, *Aubert*, *Benjamin*, *Boudousquie*, *Brazeale*, *Brent*, *Briant*, *Carriere*, *Claiborne*, *Conrad* of Orleans, *Eustis*, *Garrett*, *Guion*, *Hynson*, *Kenner*, *King*, *Labauve*, *Legendre*, *Lewis*, *Mayo*, *Mazareau*, *Penn*, *Prudhomme*, *Pugh*, *Roman*, *Trist*, *Wadsworth*, *Wikoff*, *Winchester* and *Winder* voted in the negative—29 nays consequently the motion was lost.

Mr. *MAYO* offered the following resolution, viz :

Resolved, That mileage be paid to members who reside further from New Orleans than Jackson, for the additional distance to and from their residence, to New Orleans; and for those who live nearer New Orleans than Jackson, such sum shall be paid them as mileage in addition to what has already been paid to them, as will make the whole mileage to such members, equal to full mileage for going and returning from Jackson to New Orleans.

Mr. *WADDILL* moved to lay said resolution on the table, which motion was lost.

Mr. *MAYO* moved for the adoption of the resolution, and the yeas and nays being called for,

Messrs. *Brent*, *Brumfield*, *Burton*, *Cenas*, *Chambliss*, *Chinn*, *Covillion*, *Culbert-*

son, Dunn, Humble, Garrett, Hynson, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Porter, Prescott of St. Landry, Ratliff, Read, Saunders, Scott of Feliciana, Splane, Stephens, Taylor of St. Landry, Trist, Voorhies, Wederstrandt and Wikoff voted in the affirmative—31 yeas; and

Messrs. Aubert, Benjamin, Boudousquie, Brazeale, Carriere, Claiborne, Conrad of Orleans, Conrad of Jefferson, Eustis, Guion, Kenner, King, Labauve, Legendre, Mazureau, Prudhomme, Pugh, Roman, Scott of Baton Rouge, Waddill, Wadsworth and Winder voted in the negative—22 nays; consequently said motion was carried, and the resolution was adopted.

Mr. MARIGNY gave notice that he will incorporate in the general provisions, an additional section, providing that the secretary of the senate and the clerk of the house of representatives shall speak the French and English languages.

ORDER OF THE DAY.

The following section, offered by Mr. Porter, viz :

SEC. 2. A sheriff shall be elected in each parish, by the qualified voters thereof, who shall hold his office for the term of two years, unless sooner removed; should a vacancy occur subsequent to an election, it shall be filled by the governor, and the person so appointed shall continue in office until his successor be elected and qualified.

To which section, Mr. CONRAD of Orleans had offered the following proviso, viz :

“*Provided*, That if any sheriff should fail to pay over any moneys of the State collected by him, the parish for which he was elected shall be responsible for the deficiency.”

Mr. CONRAD of Orleans, moved for the adoption of the proviso; the yeas and nays being called for,

Messrs. Aubert, Bourg, Conrad of Orleans, Conrad of Jefferson, Legendre, Mazureau, Pugh, Voorhies and Wadsworth voted in the affirmative—9 yeas; and

Messrs. Benjamin, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Cénas, Chambliss, Chinn, Covillion, Dunn, Eustis, Garrett, Humble, Hynson, Kenner, King, Labauve, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Porter, Prescott of St. Landry, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of

Feliciana, Splane, Stephens, Taylor of St. Landry, Trist, Waddill, Wederstrandt, Wikoff and Winder voted in the negative—41 nays; consequently said motion was lost.

Mr. PORTER then moved for the adoption of the section; the yeas and nays being called for,

Messrs. Aubert, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Chambliss, Covillion, Dunn, Garrett, Guion, Humble, Hynson, Kenner, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porter, Prescott of St. Landry, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Stephens, Trist, Voorhies, Waddill, Wederstrandt, Wikoff and Winder voted in the affirmative—37 yeas; and

Messrs. Benjamin, Boudousquie, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Eustis, King, Labauve, Legendre, Mazureau, Pugh, Roman, Splane, Taylor of St. Landry and Wadsworth voted in the negative—18 nays; consequently said motion was carried.

Section third, offered by Mr. Porter, was taken up, viz :

SEC. 3. All parish officers not otherwise provided for by this constitution, shall be elected by the qualified electors of the different parishes, in such manner as shall be prescribed by law.

Mr. LEWIS moved to amend said section by striking out the words “elected by the qualified electors of the different parishes,” and insert in lieu thereof the word “appointed;” which amendment was lost.

Mr. CENAS moved to lay the section and amendment on the table, subject to call; which motion was lost.

Mr. PORTER then moved for the adoption of the section; and the yeas and nays being called for,

Messrs. Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Chambliss, Covillion, Dunn, Garrett, Humble, Hynson, McCallop, McRae, Mayo, Peets, Penn, Porter, Prescott of St. Landry, Prudhomme, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Stephens, Trist, Voorhies, Waddill, Wederstrandt and Wikoff voted the affirmative—31 yeas; and

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Eustis,

Guion, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Pugh, Roman, Splane, Taylor of St. Landry, Wadsworth, Winchester and Winder voted in the negative—25 nays; consequently said motion was carried, and the section was adopted.

On motion, the Convention took up article sixth.

ARTICLE SIX—GENERAL PROVISIONS.

SEC. 1. Members of the general assembly, and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I, (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and laws of this State. So help me God!"

On motion of Mr. LEWIS, said article was laid on the table subject to call.

Section second was taken up and adopted, viz:

SEC. 2. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Section third was taken up and adopted, viz:

SEC. 3. Every person shall be forever disqualified from serving as governor, senator or representative, and from holding any other office of trust or profit in this State, who shall have been convicted of having given, or offered any bribe to procure his election or appointment.

Section fourth was taken up and adopted, viz:

SEC. 4. Laws shall be made to exclude from office and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes, or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper practices.

Section fifth was taken up and adopted, viz:

SEC. 5. No money shall be drawn from

the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money for the support of an army be made for a longer term than one year. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

Section sixth was then taken up and adopted, viz:

SEC. 6. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

Section seventh was taken up, viz:

SEC. 7. All civil officers for the State at large shall reside within the State, and all district or parish officers within their respective districts or parishes, and shall keep their respective offices at such places therein as may be required by law. And no person shall be elected or appointed to any district or parish office who shall not have resided in such district or parish long enough before such election, or appointment, to have acquired the right of voting for representatives to the general assembly, in such district or parish.

Mr. EUSTIS moved to amend said section by striking out all of the last paragraph commencing at the word "and" in the fifth line.

Mr. CONRAD of Orleans moved to amend said amendment by striking out in the sixth line the words "district or." The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Dunn, Eustis, Guion, Kenner, King, Legendre, Marigny, Mazureau, Roman, Saunders, Wadsworth and Winchester voted in the affirmative—20 yeas; and

Messrs. Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Chambliss, Covillion, Garrett, Humble, Hynson, Labauve, Lewis, McCallop, McRae, Mayo, Peets, Penn, Porter, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Splane, Stephens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt, Wikoff and Winder, voted in the negative—36 nays; consequently said motion was lost,

Mr. KENNER moved to amend said section by inserting after the word "district" in the seventh line, the words "next adjoining or contiguous." The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquié, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Dunn, Eustis, Garrett, Guion, Kenner, King, Labauve, Legendre, Marigny, Mazureau, Pugh, Roman, Saunders, Wadsworth and Winchester voted in the affirmative—24 yeas; and

Messrs. Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Chambliss, Covillion, Humble, Hynson; Lewis, McCallop, McRae, Mayo, Peets, Penn, Porter, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Splane, Stephens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt, Wikoff and Winder voted in the negative—33 nays; consequently said motion was lost.

Mr. LEWIS then moved for the adoption of the section. The yeas and nays being called for,

Messrs. Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Carriere, Chambliss, Covillion, Garrett, Humble, Hynson, Labauve, Lewis, McCallop, McRae, Mayo, Peets, Penn, Porter, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Splane, Stephens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt, Wikoff and Winder voted in the affirmative—37 yeas; and

Messrs. Aubert, Benjamin, Boudousquie, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Dunn, Eustis, Guion, Kenner, King, Legendre, Marigny, Mazureau, Roman, Wadsworth and Winchester voted in the negative—20 nays; consequently said motion was carried, and the section was adopted, as follows, viz:

SEC. 7. All civil officers for the State at large shall reside within the State, and all district or parish officers within their respective districts or parishes, and shall keep their respective offices at such places therein as may be required by law; and no person shall be elected or appointed to any district or parish office, who shall not have resided in such district or parish long

enough before such election or appointment, to have acquired the right of voting for representatives to the general assembly in such district or parish.

Section eighth was taken up, viz:

SEC. 8. The legislature shall determine the duration of the several public offices, when such duration shall not have been fixed by this constitution; *Provided*, that such time shall never exceed four years, except notaries public, whose time of office may be extended to seven years; and all civil officers, except the governor and judges of the superior and inferior courts, shall be removable by an address of a majority of the members of both houses, except those the removal of whom has been otherwise provided for by this constitution.

Mr. LEWIS moved to amend said section by striking out the words "except notaries public, whose time of office may be extended to seven years;" which motion prevailed.

On motion the first paragraph of said section was adopted, viz:

The legislature shall determine the duration of the several public offices, where such duration shall have been fixed by this constitution.

Mr. WADSWORTH moved to amend the second paragraph by striking out the words "provided that such time shall never exceed four years." The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Cénas, Chambliss, Conrad of Orleans, Conrad of Jefferson, Claiborne, Culbertson, Eustis, Garrett, Guion, Kenner, Labauve, Legendre, Marigny, Mayo, Mazureau, Prudhomme, Pugh, Roman, Saunders, Taylor of St. Landry, Trist, Wadsworth, Wikoff, Winchester and Winder voted in the affirmative—29 yeas; and

Messrs. Brazeale, Brent, Brumfield, Burton, Carriere, Covillion, Dunn, Humble, Hynson, King, Lewis, McCallop, McRae, Peets, Porter, Prescott of St. Landry, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Splane, Stephens, Voorhies, Waddill and Wederstrandt voted in the negative—25 nays; consequently said motion was carried.

On the motion to adopt the section as amended,

Messrs. Aubert, Boudousquie, Bourg, Briant, Cénas, Claiborne, Conrad of Or-

leans, Conrad of Jefferson, Eustis, Garrett, Guion, Kenner, King, Labauve, Legendre, Marigny, Mayo, Mazureau, Prudhomme, Roman, Saunders, Taylor of St. Landry, Trist, Wadsworth, Winchester, Winder voted in the affirmative—26 yeas; and

Messrs. Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Dunn, Humble, Hynson, Lewis, McCallop, McRae, Peets, Porter, Prescott of St. Landry, Pugh, Ratliff, Read, Scott of Baton Rouge, Scott of Feliciana, Splane, Stephens, Voorhies, Waddill, Wederstrandt and Wikoff voted in the negative—27 nays.

The president being called upon to vote, voted in the negative; consequently said motion was lost, and the section as amended was rejected.

On motion, the Convention adjourned till to-morrow at 9 o'clock, a. m.

NOTE.—Members absent at the first call: Messrs. Beatty, Cade, Derbes, Downs, Hudspeth, O'Bryan, Penn, Prescott of Avoyelles, Read, Scott of Madison, Absent on leave. Messrs. Porche, Soulé, Sellers and Taylor of Assumption, absent on account of illness. Messrs. Benjamin, Brumfield, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Eustis, Garcia, Grymes, Guion, Kenner, Labauve, Ledoux, Legendre, Marigny, Mayo, Mazureau, Porter, Preston, Prudhomme, Pugh, Ratliff, Roman, Roselius, St. Amand, Saunders, Splane, Taylor of St. Landry, Trist, Wadsworth, Wikoff and Winchester did not answer to their names.

NOTE.—Members absent at second call of the house: Messrs. Benjamin, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Eustis, Garcia, Grymes, Guion, Kenner, Labauve, Ledoux, Legendre, Marigny, Mazureau, Preston, Roselius, St. Amand and Trist.

MONDAY, April 30, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the honorable Mr. STEPHENS, opened the proceedings with prayer.

On motion leave of absence was granted to Messrs. Scott of Feliciana and Penn.

Mr. BRENT having voted in the majority moved to reconsider the vote rejecting the eighth section, which motion prevailed, and said section was taken up, viz:

SEC. 8. The legislature shall determine the duration of the several public offices, when such duration shall not have been fixed by this Constitution; Provided that such time shall never exceed four years except notaries public, whose time of office may be extended to seven years; and all civil officers, except the governor and judges of the supreme and district courts, shall be removable by an address of a majority of the members of both houses, except those, the removal of whom, has been otherwise provided for by this Constitution.

Mr. WADSWORTH moved to amend said section by striking out in the fourth line, the words, "provided that such duration shall never exceed four years." The yeas and nays being called for

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Claiborne, Conrad of Orleans, Eustis, Guion, Kenner, King, Labauve, Legendre, Marigny, Mazureau, Prudhomme, Pugh, Roman, St. Amand, Wadsworth, Winchester and Winder voted in the affirmative—22 yeas, and

Messrs. Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Culbertson, Dunn, Humble, Hynson, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Stephens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt and Wikoff voted in the negative—28 nays; consequently said motion was lost.

Mr. MAYO then moved to amend said section, by striking out, in the fifth and sixth lines the words, "except notaries public, whose time of office may be extended to seven years." The yeas and nays being called for,

Messrs. Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Dunn, Guion, Humble, Hynson, King, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Baton Rouge, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt, Wikoff and Winder voted in the affirmative—30 yeas; and

Messrs. Aubert, Benjamin, Boudousquie, Bourg, Briant, Claiborne, Conrad of Orleans, Culbertson, Eustis, Kenner, Labauve, Legendre, Marigny, Mazureau, Prudhomme, Pugh, Roman, St. Amand, Trist and Winchester voted in the negative—20 nays; consequently said motion was carried.

Mr. MAYO then moved for the adoption of the section as amended, viz :

SEC. 8. The legislature shall determine the duration of the several public officers, when such duration shall not have been fixed by this constitution; provided that such time shall never exceed four years, and all the civil officers except the governor and judges of the supreme and district courts, shall be removable by an address of the members of both houses, except those the removal of whom has been otherwise provided for by this Convention.

The yeas and nays being called for,

Messrs. *Bourg, Brazeale, Brent, Brumfield, Burton, Chambliss, Claiborne, Covillion, Culbertson, Dunn, Guion, Humble, Hynson, Kenner, Labauve, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prescott* of St. Landry, *Preston, Prudhomme, Pugh, Ratliff, Read, Scott* of Baton Rouge, *Stephens, Taylor* of St. Landry, *Trist, Voorhies, Waddill Wederstrandt, Wikoff*, and *Winder* voted in the affirmative—36 yeas; and

Messrs. *Aubert, Benjamin, Boudousquie, Briant, Conrad* of Orleans, *Eustis, King, Legendre, Marigny, Mauzreau, Roman, St. Amand* and *Winchester* voted in the negative—13 nays, consequently said motion was carried and the section was adopted.

This being the day fixed for the reconsideration of the vote adopting the first section of the article on the judiciary department, on motion the same was laid on the table subject to call.

This being the day fixed to reconsider the vote adopting the 11th and 12th sections on the judiciary, the same was laid on the table subject to call.

This being the day fixed to reconsider the vote rejecting the substitute offered by Mr. Eustis to Mr. Claiborne, the same was laid on the table subject to call.

This being the day fixed to reconsider the vote adopting the additional section offered by Mr. Porter, relative to clerks of courts, the same was laid on the table subject to call.

Communication of Mr. Marigny.

A few days ago I laid upon the desk a section to be inserted under the head of general provisions. The object of the section was to empower the legislature to extend the right of citizenship to persons of

colored origin, whenever required by the public interest.

But public opinion being against the measure, and many of the members of the Convention who seemed to approve of it; having since expressed themselves against it. I am now satisfied that it would be rejected.

I believe it is my duty to withdraw it. I trust that the members of the Convention of the State at large will do me the justice to believe that my motives were pure, I thought that it was proper to grant to the legislature a power that it was not likely would be abused, and the exercise of which might, under certain circumstances, redound to the benefit of the State.

ORDER OF THE DAY.

GENERAL PROVISIONS.

SEC. 9. Absence on the business of this State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this State, under the exceptions contained in this constitution.

Mr. GUION moved for the rejection of said section; the yeas and nays being called for,

Messrs. *Aubert, Claiborne, Conrad* of Orleans, *Guion, King, Legendre, Trist* and *Voorhies* voted in the affirmative—8 yeas; and

Messrs. *Benjamin, Bourg, Brent, Brazeale, Briant, Brumfield, Burton, Carriere, Chambliss, Covillion, Culbertson, Dunn, Garrett, Humble, Hynson, Kenner, Labauve, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Porter, Prescott* of St. Landry, *Preston, Prudhomme, Pugh, Ratliff, Read, Roman, St. Amand, Scott* of Baton Rouge, *Stephens, Taylor* of St. Landry, *Waddill, Wedstrandt, Wikoff Winchester* and *Winder* voted in the negative—40 nays; consequently said motion was lost, and the section was adopted.

Section tenth was taken up and adopted, viz :

SEC. 10. It shall be the duty of the general assembly to regulate, by law, in what cases, and what deduction from the salaries of public officers shall be made for neglect of duty in their official capacity.

Section eleventh was taken up and adopted, viz :

SEC. 11. Returns of all elections for mem-

bers of the general assembly shall be made to the secretary of State, for the time being.

Section twelfth was taken up, viz :

SEC. 12. The legislature shall point out the manner in which a person coming into the country shall declare his residence.

Mr. BRENT moved for the rejection of said section; the yeas and nays being called for,

Messrs. *Brazeale, Brent, Burton, Brumfield, Carriere, Humble, Hynson, King, McRae, Mayo, Porter, Prescott* of St. Landry, *Preston, Read, Scott* of Baton Rouge, *Stephens, Trist, Waddill* and *Wederstrandt* voted in the affirmative—18 yeas; and

Messrs. *Aubert, Benjamin, Boudousquie, Bourg, Briant, Cènas, Chambliss, Claiborne, Conrad* of Orleans, *Covillion, Culbertson, Dunn, Garrett, Guion, Kenner, Labaue, Legendre, Lewis, McCallop, Marigny, Mazureau, Prudhomme, Pugh, Ratliff, Roman, St. Amand, Taylor* of St. Landry, *Wadsworth, Wikoff, Winchester* and *Winder* voted in the negative—31 nays; consequently said motion was lost, and the section was adopted.

Section thirteenth was then taken up, viz:

SEC. 13. In all elections by the people, the vote shall be by ballot; and in all elections by the senate and house of representatives, jointly or separately, the vote shall be given *viva voce*.

Mr. PRESTON moved to amend said section, by striking out in the second line, the words "by ballot," and inserting the words "*viva voce*." The yeas and nays being called for,

Messrs. *Garrett, Humble, McRae, Prescott* of St. Landry, *Preston, Ratliff, Read, Taylor* of St. Landry, *Wederstrandt, Wikoff* and *Winchester* voted in the affirmative 11 yeas; and

Messrs. *Aubert, Benjamin, Boudousquie, Bourg, Brazeale, Brent, Bryant, Brumfield, Burton, Carriere, Cenas, Chambliss, Chinn, Claiborne, Conrad* of Orleans, *Covillion, Culbertson, Dunn, Guion, Hynson, Kenner, King, LaBuave, Legendre, Lewis, McCallop, Maligny, Mayo, Mazureau, Porter, Prudhomme, Pugh, Roman, St. Amand, Scott* of Baton Rouge, *Stephens, Voorhies, Waddill, Wadsworth, and Winder*, voted in the negative—40 nays; consequently said motion was lost.

Mr. Chinn moved for the previous question, which motion prevailed.

On motion, the thirteenth section was adopted, viz:

SEC. 13. In all elections by the people, the vote shall be by ballot; and in all elections by the senate and house of representatives, jointly or separately, the vote shall be given *viva voce*.

Section fourteenth was taken up and adopted, viz:

SEC. 14. No member of congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or any foreign power, shall be eligible as a member of the general assembly of this State, or hold or exercise any office of trust or profit under the same.

Section fifteenth was taken up and adopted, viz:

SEC. 15. All laws that may be passed by the legislature, and the public records of this State, and the judicial and legislative written proceedings of the same, shall be promulgated, preserved, and conducted in the language in which the constitution of the United States is written.

Section sixteenth was taken up and adopted, viz:

SEC. 16. The general assembly shall direct by law, how persons who are now, or may hereafter become securities for public officers, may be relieved or discharged on account of such securityship.

Section seventeenth was taken up and adopted, viz:

SEC. 17. No power of suspending the laws of this State shall be exercised, unless by the legislature or its authority.

Mr. MARIGNY called up the additional section submitted by him, viz:

SEC. 18. The secretary of the senate, and the clerk of the house of representatives, shall possess the French and English languages; and any member of the general assembly may address either house in the French or English language.

Mr. MARIGNY moved for the adoption of said section. The yeas and nays being called for,

Messrs. *Aubert, Benjamin, Boudousquie, Bourg, Briant, Carriere, Conrad* of Orleans, *Covillion, Kenner, King, Labaue, Legendre, McCallop, Marigny, Mazureau, Prescott* of St. Landry, *Prudhomme, Pugh, Ro-*

man, Scott of Baton Rouge, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, and Winchester voted the affirmative—26 yeas; and

Messrs. Brazeale, Brent, Brumfield, Burton, Chambliss, Chinn, Dunn, Garrett Guion, Humble, Hynson, Lewis, McRae, Mayo, Porter, Preston, Ratliff, Read, Stephens, Taylor of St. Landry, and Wikoff voted in the negative; 21 nays, consequently said motion was carried and the section was adopted.

Section nineteenth was taken up, viz:

SEC. 19. In all criminal prosecutions, the accused shall have the right of being heard by himself or counsel, of demanding the nature and cause of the accusation against him, of meeting the witnesses face to face, of having compulsory process for obtaining witnesses in his favor throughout the State, and prosecution by indictment or information; a speedy public trial, by an impartial jury of the vicinage, nor shall he be compelled to give evidence against himself.

Mr. PRESTON moved to amend said section, by striking out in the sixth line the words 'throughout the State.' The yeas and nays were called for,

Messrs. Bourg, Brent, Briant, Brumfield, Cènas, Chinn, Conrad of Orleans, Conrad of Jefferson, Covillion, Garrett, Humble, Hynson, Kenner, King, Labauve, Legendre, Mayo, Mazureau, Peets, Porier, Prescott of St. Landry, Preston, Prudhomme, Pugh, Ratliff, Read, Roman, Scott of Baton Rouge, Stephens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Wikoff, Winchester, and Winder voted in the affirmative—38 yeas; and

Messrs. Aubert, Benjamin, Brazeale, Burton, Chambliss, Dunn, Guion, Lewis, McCallop, McRae, Marigny and Splane voted in the negative—12 nays; consequently said motion was carried.

On motion, the section as amended was adopted, viz:

In all criminal prosecutions, the accused shall have the right of being heard, by himself or counsel; of demanding the nature and cause of the accusation against him; of meeting the witnesses face to face; of having compulsory process for obtaining witnesses in his favor, and prosecution by indictment or information; a speedy

and public trial by an impartial jury of the vicinage, nor shall he be compelled to give evidence against himself.

Section twentieth was taken up and adopted, viz:

SEC. 20. All prisoners shall be bailable by sufficient securities, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Section twenty-first was then taken up, viz:

SEC. 21. No *ex post facto* law, nor any law impairing the obligations of contracts, shall be passed.

Mr. CONRAD of New Orleans, moved to amend said section, by inserting the words "or vested rights be divested."

Mr. BENJAMIN moved to amend the amendment, by adding the words "unless for purposes of public utility, and for adequate compensation previously made"—which amendment was accepted by Mr. Conrad, and the amendment, as amended, was adopted.

On motion the section as amended was adopted, viz:

No *ex post facto* law, nor any law impairing the obligations of contracts, shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation, previously made.

Section twenty-second was taken up and adopted, viz:

SEC. 22. Printing presses shall be free to every person who may undertake to examine the proceedings of the legislature, or any branch of the government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

Section twenty-third was taken up and adopted, viz:

SEC. 23. Emigration from the State shall not be prohibited.

Section twenty-fourth was taken up, viz:

SEC. 24. The first general assembly to be elected under this constitution, shall determine upon the place where the seat of

government of the State shall be permanently located, from and after the first day of January, in the year one thousand eight hundred and fifty-one.

Mr. MARIGNY moved for the adoption of said section; the yeas and nays being called for,

Messrs. Benjamin, Boudousquié, Briant, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Guion, King, Legendre, Marigny, Mazureau, Preston, Prudhomme, Roman, St. Amand, Soulé, Splane, Voorhies, Wadsworth and Winchester voted in the affirmative—21 yeas; and

Messrs. Aubert, Bourg, Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Chinn, Covillion, Dunn, Garrett, Humble, Kenner, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Pugh, Ratliff, Read, Scott of Baton Rouge, Stephens, Taylor of St. Landry, Trist, Waddill, Wederstrandt, Wikoff and Winder voted in the negative—32 nays; consequently said motion was lost, and the section was rejected.

Mr. MARIGNY gave notice that he will on Friday, move to reconsider the vote rejecting the above section, and also the vote adopting the section removing the seat of government from the city of New Orleans.

On motion, the twenty-fifth section was taken up, viz :

SEC. 25. The legislature shall not have power or authority to pledge the faith of the State as security for the payment of any bonds, bills, or other contracts or obligations whatever, nor to borrow money for any purpose whatever, except for defraying the expenses of war, or for the purpose of repelling an invasion of the State by an armed force, or for suppressing an insurrection.

Mr. CENAS moved to amend said section by adding to the same the following proviso, and the same was adopted, viz :

Provided, that the State shall have the right to issue new bonds in payment of its now outstanding obligations or liabilities, whether due or not; the said bonds, however, to bear upon their face, either in principle or interest, an amount less than the original obligations they are intended to replace.

On motion, the section as amended, was adopted, viz :

SEC. 25. The legislature shall not have

power or authority to pledge the faith of the State as security for the payment of any bonds, bills, other contracts or obligations whatever, nor to borrow money for any purpose whatever, except for defraying the expenses of war, or for the purpose of repelling an invasion of the State by an armed force, or of suppressing an insurrection.

Provided, that the State shall have the right to issue new bonds in payment of its now outstanding obligations or liabilities, whether due or not; the said new bonds, however, to bear upon their face, either in principle or interest, an amount less than the original obligations they are intended to replace.

On motion of Mr. ROMAN, the vote adopting said section, was reconsidered.

Mr. GUION then moved to amend said section, by inserting after the word "insurrection," in the seventh line, the words "or for the payment of the ordinary expenses of the government, when there may be a deficiency in the annual revenue."

The yeas and nays being called for on the adoption of said amendment,

Messrs. Aubert, Benjamin, Boudousquie, Briant, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Dunn, Garrett, Guion, King, Labauve, Legendre, Lewis, Pugh, Roman, Roselius, St. Amand, Taylor of St. Landry and Winchester voted in the affirmative—21 yeas; and

Messrs. Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Garcia, Humble, Hynson, Kenner, McCallop, McRae, Marigny, Mayo, Peets, Porter, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Soulé, Splane, Stephens, Trist, Voorhies, Waddill, Wederstrandt, Wikoff and Winder voted in the negative—32 nays; consequently said motion was lost.

On motion, the section was re-adopted.

Section twenty-sixth was taken up and adopted, viz:

SEC. 26. The legislature shall provide by law for a change of venue in civil and criminal cases.

Section twenty-seventh was taken up and adopted, viz:

SEC. 27. No lottery shall be authorized by this State, and the buying and selling of lottery tickets within the State shall be prohibited by law.

Section twenty-eighth was taken up and adopted, viz:

SEC. 28. No divorce shall be granted by the legislature of this State.

Section twenty-ninth was taken up, viz:

SEC. 29. Every law enacted by the legislature, shall embrace but one object, and that shall be expressed in the title.

The yeas and nays being called for on the motion to adopt said section,

Messrs. Aubert, Boudousquie, Bourg, Brazeale, Brent, Brumfield, Burton, Carriere, Cénas, Chambliss, Claiborne, Covillion, Dunn, Eustis, Garcia, Guion, Humble, Hynson, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, St. Amand, Scott of Baton Rouge, Stephens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt and Wikoff voted in the affirmative—41 yeas; and

Messrs. Benjamin, Briant, Conrad of Orleans, Conrad of Jefferson, Garrett, Kenner, King, Labauve, McCallop, Ratliff, Roman, Roselius, Soulé and Winchester voted in the negative—14 nays; consequently said motion was carried and the section was adopted.

Section thirtieth was taken up and adopted, viz:

SEC. 30. Every law of a general nature shall be equally applicable to all parts of the State.

Mr. RATLIFF gave notice that he will on to-morrow move to reconsider the vote adopting the twenty-fourth section.

Mr. BENJAMIN moved that the Convention adjourn till to-morrow at 9 o'clock, a. m. The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Briant, Brumfield, Conrad of Orleans, Conrad of Jefferson, Eustis, Garcia, Guion, Kenner, Labauve, Legendre, McCallop, Marigny, Mazureau, O'Bryan, Porter, Prescott of St. Landry, Pugh, Ratliff, Roman, Roselius, Scott of Baton Rouge, Soulé, Stephens, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt and Winchester voted in the affirmative—32 yeas; and

Messrs. Bourg, Brazeale, Brent, Burton, Chambliss, Covillion, Dunn, Garrett, Humble, Hynson, King, Lewis, McRae, Mayo, Preston, Prudhomme, Read, Taylor of St. Landry, and Wikoff voted in the negative—19 nays; consequently said motion was

carried, and the Convention adjourned till to-morrow at 9 o'clock, a. m.

NOTE.—Members absent at the first call of the house: Messrs. Beatty, Cade, Derbes, Downs, Hudspeth, O'Bryan, Penn, Prescott of Avoyelles, Scott of Madison, absent on leave. Messrs. Porche, Sellers, Soulé and Taylor of Assumption, absent on account of illness; and Messrs. Benjamin, Bourg, Carriere, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Eustis, Garcia, Grymes, Guion, King, Labauve, Ledoux, Marigny, Mazureau, Preston, Pugh, Ratliff, Roselius, St. Amand, Saunders, Splane, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff, Winchester and Winder did not answer to their names.

NOTE.—Members absent at the second call: Messrs. Benjamin, Cénas, Chinn, Conrad of Orleans, Conrad of Jefferson, Eustis, Garcia, Grymes, Guion, Ledoux, Marigny, Mazureau, Preston, Ratliff, Roselius, St. Amand, Wadsworth, Winchester and Winder did not answer to their names.

THURSDAY, May 1, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. PRESTON opened the proceedings with prayer.

The president submitted the credentials of William Dubouchel, the member elect from the first senatorial district, to fill the vacancy occasioned by the death of the late Hon. Gilbert Leonard.

On motion of Mr. WADSWORTH Mr. Dubouchel took his seat.

The secretary reported the receipt of the printers for the report of the debates of the 18th ult.

On motion, leave of absence was granted to Mr. Saunders.

Mr. MAYO moved to reconsider the vote adopting the 29th section. The yeas and nays being called for,

Messrs. Brazeale, Brent, Briant, Brumfield, Burton, Cade, Chambliss, Chinn, Culbertson, Dunn, Eustis, Garrett, Humble, Hynson, Kenner, King, Labauve, Ledoux, Lewis, Marigny, Mayo, Peets, Porter, Prescott of St. Landry, Prudhomme, Pugh, Ratliff, Read, Roman, Scott of Baton Rouge, Stephens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth,

Wederstrandt, Wikoff and Winder voted in the affirmative—39 yeas; and

Messrs. Aubert, Bourg, Carriere, Claiborne, Covillion, Legendre and Mazureau voted in the negative—7 nays; consequently said motion was carried, and the section was taken up, viz:

SEC. 29. Every law of a general nature shall be equally applicable to all parts of the State.

On motion of Mr. MAYO said section was laid on the table subject to call.

Mr. RATLIFF moved to reconsider the vote adopting the twenty-fourth section, which motion prevailed, and the said section was taken up, viz:

SEC. 24. The legislature shall not have power or authority to pledge the faith of the State, as security for the payment of any bonds, bills or other contracts or obligations whatever; nor to borrow money for any purposes whatever, except for defraying the expenses of war, or for the purpose of repelling an invasion of the State by an armed force, or of suppressing an insurrection; provided, that the State shall have the right to issue new bonds in payment of any of its now outstanding obligations or liabilities whether due or not, the said new bonds however, to bear upon their face, either in principal or interest, an amount less than the original obligation they are intended to replace.

On motion of Mr. EUSTIS said section was laid on the table subject to call.

This being the day fixed for the taking into consideration the reports of the committee of revision, the report of said committee on the seventh article was taken up, viz:

The committee of revision report the following:

(Signed,) G. EUSTIS,
Chairman.

April 14, 1845.

ARTICLE VII.

MODE OF REVISING THE CONSTITUTION.

Any amendment of amendments to this constitution may be proposed in the senate or house of representatives, and if the same shall be agreed to by three-fifths of the members elected to each house, and approved by the governor, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of

state shall cause the same to be published, three months before the next general election, in at least one newspaper, in French and English, in every parish in the State in which a newspaper shall be published; and if, in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of state shall cause the same again to be published in the manner aforesaid, at least three months previous to the next general election for representatives to the State legislature, and such proposed amendment or amendments shall be submitted to the people at said election; and if the people shall approve and ratify such amendment or amendments, by a majority of all the qualified voters of the State, such amendment or amendments shall become a part of the constitution: *Provided*, that if more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment, separately.

On motion said article was adopted as reported by the committee.

Mr. RATLIFF agreeably to notice previously given, moved to reconsider the vote adopting said article seventh. The yeas and nays being called for,

Messrs. *Brazzale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Covillion, Culbertson, Dubouchel, Garrett, Humble, Hynson, Ledoux, McCallop, McRae, Mayo, Peets, Porter, Prescott* of St. Landry, *Ratliff, Read, Scott* of Baton Rouge, *Splane, Stephens, Trist, Voorhies, Waddill* and *Wederstrandt* voted in the affirmative—31 yeas; and

Messrs. *Aubert, Boudousquie, Bourg Cénas, Claiborne, Derbes, Dunn, Eustis, Garcia, Guion, Kenner, King, Legendre, Lewis, Marigny, Prudhomme, Pugh, Roman, St. Amand, Taylor* of St. Landry, *Wikoff* and *Winder* voted in the negative—22 nays; consequently said motion was carried and the article was taken up.

ARTICLE VII.

MODE OF REVISING THE CONSTITUTION.

Any amendment or amendments to this constitution may be proposed in the senate or house of representatives, and if the same shall be agreed to by three-fifths of the members elected to each house, and approved by the governor, such proposed amend-

ment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of state shall cause the same to be published, three months before the next general election, in at least one newspaper, in French and English, in every parish in the State in which a newspaper shall be published; and if, in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of state shall cause the same again to be published in the manner aforesaid, at least three months previous to the next general election for representatives to the State legislature, and such proposed amendment or amendments shall be submitted to the people at said election; and if the people shall approve and ratify such amendment or amendments, by a majority of all the qualified voters of the State, such amendment or amendments shall become a part of the constitution: *Provided*, that if more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

Mr. GUION raised a question of order, and objected to the motion of reconsideration having been carried, because the number voting for the reconsideration, was not, as required by the rule, greater than the number who voted for the question moved to be reconsidered.

The PRESIDENT inquired of the secretary the date of the notice for reconsideration given by Mr. Ratliff.

By reference to the journal it was found that the notice was given on the 18th of February.

The PRESIDENT decided that the rule relied upon by Mr. Guion was adopted on the 12th of April, and could not affect a notice given before its adoption.

Mr. GUION appealed from the decision of the Chair.

On the question, "shall the President's decision be maintained," the yeas and nays were called for, and

Messrs. *Brazeale, Brent, Brumfield, Burton, Cade, Cénas, Chambliss, Claiborne, Covillion, Dubouchel, Dunn, Eustis, Humble, Hynson, Ledoux, McCallop, McRae, Marigny, Mayo, Peets, Porter, Prescott* of St. Landry, *Ratliff, Read, Scott* of Baton

Rouge, Stephens, Trist, Voorhies, Waddill, Wederstrandt and *Winder* voted in the affirmative—31 yeas; and

Messrs. *Aubert, Boudousquié, Bourg, Briant, Chinn, Culbertson, Derbes, Garcia, Garrett, Guion, Kenner, King, Legendre, Lewis, Prudhomme, Pugh, Roman, St-Amand, Taylor* of St. Landry, *Wadsworth, Wikoff* and *Winchester* voted in the negative—22 nays; consequently the decision of the Chair was sustained.

Mr. RATLIFF then moved to amend said article by inserting in the fourth and fifth lines the words "a majority" instead of "three-fifths," and to insert in the 18th line "three-fifths" instead of "a majority."

Mr. LEWIS moved for a division of the question, first to proceed to strike out. The yeas and nays being called on the motion to strike out,

Messrs. *Brazeale, Brent, Briant, Brumfield, Burton, Chambliss, Covillion, Dubouchel, Humble, Hynson, Ledoux, McCallop, McRae, Mayo, Peets, Porter, Prescott* of St. Landry, *Ratliff, Read, Scott* of Baton Rouge, *Stephens, Trist, Waddill* and *Wederstrandt* voted in the affirmative—24 yeas; and

Messrs. *Aubert, Boudousquié, Bourg, Carriere, Cénas, Chinn, Claiborne, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Kenner, King, Legendre, Lewis, Marigny, Prudhomme, Roman, St. Amand, Taylor* of St. Landry, *Wadsworth, Wikoff* and *Winchester* voted in the negative—25 nays; consequently said motion was lost.

Mr. CHINN moved for the previous question, which motion prevailed.

On motion the seventh article was re-adopted.

Mr. ROMAN having voted in the majority, moved to reconsider the vote adopting the eighteenth section, which motion prevailed, and the said section was taken up, viz:

SEC. 18. In all criminal prosecutions, the accused shall have the right of being heard by himself or counsel, of demanding the nature and cause of the accusation against him, of meeting the witnesses face to face, of having compulsory process for obtaining witnesses in his favor, and prosecution by indictment or information; a speedy public trial by an impartial jury of the vicinage, nor shall he be compelled to give evidence against himself.

Mr. EUSTIS moved to amend said section by inserting after the words "against him," in the fourth line, the words "and unless he shall have fled from justice," which amendment was adopted.

On motion the section as amended was adopted, viz:

SEC. 18. In all criminal prosecutions, the accused shall have the right of being heard by himself or counsel, of demanding the nature and cause of the accusation against him, and unless he shall have fled from justice, of meeting the witnesses face to face, of having compulsory process for obtaining witnesses in his favor, and prosecution by indictment or information; a speedy public trial by an impartial jury of the vicinage, nor shall he be compelled to give evidence against himself.

Mr. ROMAN submitted the following additional section, and the same was laid on the table subject to call, viz:

The legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, (except in cases of war, to repel invasion, and suppress insurrection,) unless the same be authorized by some law, for some single object or work, to be distinctly specified therein, which law shall provide ways and means by taxation for the payment of running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity of the capital borrowed; and said law shall not be repealable until the principal and interests thereon shall be paid and fully discharged, and shall not be put into execution until after its re-enactment by the first legislature returned by a general election after its passage.

Mr. CHINN offered the following additional sections, which were laid on the table subject to call, viz:

SEC. — Any person who shall, after the adoption of this constitution, fight a duel with deadly weapons, or send or receive a challenge to fight a duel with deadly weapons, either within the State or out of it, or who shall act as a second, or aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit under this constitution.

SEC. — I, (A. B.) do solemnly swear

(or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and laws of the State; and I do further solemnly swear (or affirm) that since the adoption of this constitution I have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending—So help me God.

Section thirtieth was taken up, viz:

SEC. 30. No law shall be revised or amended by reference to its title; but in such case the act revised, or section amended, shall be re-enacted and published at length.

Mr. CONRAD of Orleans, moved that said section be laid on the table indefinitely.

Mr. LEWIS moved to amend said section by inserting after the word "section" in the third line, the words "or article," and by inserting in the first and second lines the word "revived" instead of the word "revised;" which amendments were adopted.

Mr. CONRAD of Orleans moved that said section and amendment be laid on the table indefinitely. The yeas and nays being called for,

Messrs. *Boudousquie, Chinn, Conrad* of Orleans, *Covillion*, and *Ratliff* voted in the affirmative—5 yeas; and

Messrs. *Benjamin, Bourg, Brent, Brazeale, Briant, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Claiborne, Conrad* of Jefferson, *Culbertson, Derbes, Dubouchel, Dunn, Eustis, Garcia, Garrett, Guion, Humble, Hynson, Kenner, Ledoux, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott* of St. Landry, *Prudhomme, Pugh, Read, Roman, St. Amand, Scott* of Baton Rouge, *Splane, Stephens, Taylor* of St. Landry, *Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Wikoff, Winchester* and *Winder* voted in the negative—51 nays; consequently said motion was lost.

On motion the section as amended was adopted, viz:

SEC. 30. No law shall be revised or amended by reference to its title; but in such case, the act revised, or section or ar-

ticle amended, shall be re-enacted and published at length.

Section thirty-first was taken up and adopted, viz:

SEC. 31. The State shall not become subscriber to the stock of any corporation or joint stock company.

Section thirty-second was taken up and adopted, viz:

SEC. 32. No person shall hold or exercise, at the same time, more than one civil office in this State, except one of such offices be that of a justice of the peace.

On motion of Mr. EUSTIS, the vote adopting the above section was reconsidered, and the same was taken up, viz:

SEC. 32. No person shall hold or exercise, at the same time, more than one civil office in this State, except one of such offices be that of a justice of the peace.

Mr. EUSTIS moved to amend said section by inserting after the words "civil office," in the second line, the words "of emolument," which amendment was adopted.

On motion, the section as amended was adopted, viz:

SEC. 32. No person shall hold or exercise, at the same time, more than one civil office of emolument in this State, except one of such offices be that of a justice of the peace.

Section thirty-third was taken up, viz:

SEC. 33. No corporate body shall be hereafter created, renewed or extended with banking or discounting privileges, without six months previous public notice of the intended application for the same, in such manner as shall be prescribed by law; nor shall any charter for the purposes aforesaid be granted for a longer period than twenty years, and every such charter shall contain a clause reserving to the legislature the power to alter, revoke or annul the same whenever, in their opinion, it may be expedient so to do; and every charter so granted shall be upon the express condition that the share holders or members of such corporations, shall be bound severally and *in solido*, for all the liabilities and acts of such corporation, and for the consequences resulting therefrom.

Mr. KENNER moved that said section be acted upon, paragraph by paragraph, which motion prevailed.

Mr. BRENT moved to amend said section by striking out from the word "privileges,"

in the third line, the balance of the section, viz:

Without six months' previous public notice of the intended application for the same, in such manner as shall be prescribed by law; nor shall any charter, for the purposes aforesaid, be granted for a longer period than twenty years; and every such charter shall contain a clause reserving to the legislature the power to alter, revoke or annul the same, whenever, in their opinion, it may be expedient so to do; and every charter so granted shall be upon the express condition that the share holders or members of such corporation, shall be bound personally and *in solido*, for all the liabilities and acts of such corporation, and for the consequences resulting therefrom.

The yeas and nays being called for on the motion of Mr. Brent to strike out,

Messrs. Benjamin, Bourg, Brazeale, Brent, Brunfield, Burton, Cade, Carriere, Chambliss, Covillion, Dubouché, Eustis, García, Garrett, Humble, Kenner, Ledoux, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Prudhomme, Ratliff, Read, St. Amand, Scott of Baton Rouge, Splane, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt and Wikoff voted in the affirmative—38 yeas; and

Messrs. Aubert, Boudousquie, Céas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Guion, Hynson, King, Legendre, Pugh, Roman, Trist, Winchester and Winder voted in the negative—19 nays; consequently said motion was carried.

Mr. KENNER then moved to fill the blank with the following amendment, viz:

And should any person circulate, or cause to be circulated, any paper money issued by any corporation or person existing in any other State or country, he shall be considered guilty of a misdemeanor, and for such offence shall be amenable to such penalties as the legislature may determine.

Mr. VOORHIES moved that said amendment be laid on the table indefinitely.

The yeas and nays being called for,

Messrs. Benjamin, Brazeale, Brent, Burton, Cade, Carriere, Céas, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Eustis, Humble, Ledoux, Lewis, McRae, Mayo, Peets, Porter,

Prescott of St. Landry, Prudhomme, Ratliff, Read, Roman, Scott of Baton Rouge, Splane, Stephens, Taylor of St. Landry, Voorhies and Wederstrandt voted in the affirmative—31 yeas; and

Messrs. Aubert, Bourg, Brumfield, Chinn, Culbertson, Derbes, Dubouchel, Dunn, Garcia, Garrett, Guion, Hynson, Kenner, King, Legendre, McCallop, Marigny, Mazureau, Pugh, St. Amand, Trist, Waddill, Wikoff Winchester and Winder voted in the negative—25 nays; consequently said motion was carried.

Mr. MAYO moved for the adoption of the section as amended, viz :

SEC. 33. No corporate body shall be hereafter created, renewed or extended, with discounting privileges.

The yeas and nays being called for,

Messrs. Benjamin, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Covillion, Dubouchel, Eustis, Garcia, Garrett, Humble, Kenner, Ledoux, Lewis, McCallop, McRae, Marigny, Mayo, Pects, Porter, Prescott of St. Landry, Prudhomme, Ratliff, Read, Scott of Baton Rouge, Splane, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt and Wikoff voted in the affirmative—37 yeas; and

Messrs. Aubert, Cénas, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Guion, Hynson, King, Legendre, Mazureau, Pugh, Roman, St. Amand, Trist, Winchester and Winder voted in the negative—18 nays; consequently said motion was adopted.

Section thirty-fourth was taken up, viz :

SEC. 34. All charters hereafter granted by the legislature, shall terminate on the first day of January, in the year one thousand eight hundred and ninety, where no certain limit has been fixed in the act of incorporation; and no corporate privileges, hereafter to be created, shall ever endure for a longer term than twenty-five years; provided that this section shall not apply to political or municipal corporations.

Mr. MARIGNY moved to amend said section by striking out the words "and no corporate privileges, hereafter to be enacted, shall ever endure for a longer term than twenty-five years."

On motion of Mr. CENAS said section and amendment were laid on the table subject to call.

Mr. CLAIBORNE submitted the following additional section, and the same was laid on the table subject to call, viz :

It shall be the duty of the legislature to define and limit in the chartes of all municipal or city corporations, the power of levying taxes on property, and of creating debts by such corporations, and to confine such power, as nearly as possible, to purposes of municipal administration and police.

Section thirty-fifth was taken up, viz :

SEC. 35. The general assembly shall never grant any exclusive privilege or monopoly, in such form as to prevent any subsequent legislature from granting similar privileges to other individuals or corporations.

Mr. BENJAMIN moved to amend the section by so modifying it as to empower the legislature to grant a monopoly for a term of years.

Mr. BRENT moved to amend said section by inserting after the word "monopoly," in the second line, the words "for a longer period than fifteen years," and to strike out the remainder of the section.

Mr. BENJAMIN moved to amend the amendment of Mr. Brent by inserting "twenty" instead of "fifteen," which amendment was adopted.

On motion, the section as amended was adopted, viz :

SEC. 35. The general assembly shall never grant any exclusive privilege or monopoly for a longer period than twenty years.

Mr. RATLIFF submitted the following additional section, and the same was adopted, viz :

The legislature shall direct by law in what manner, and in what courts, suits may be brought against the State.

Mr. EUSTIS, of the committee on education, submitted the following, viz :

An university shall be established in the city of New Orleans. It shall be composed of four faculties, to-wit: one of law, one of medicine, one of the natural sciences, and one of letters.

It shall be called the University of Louisiana; and the Medical College of Louisiana, as at present organized, shall constitute the faculty of medicine.

The legislature shall provide by law for its further organization and government.

Section thirty-sixth was taken up, viz :

SEC. 36. Slaves shall be forever held and considered as immovable, and shall be regulated by the same laws as other immovable property.

On motion of Mr. BENJAMIN said section was laid on the table indefinitely.

Mr. RATLIFF submitted the following additional section, viz:

The relation of master and slave in this State shall not be abolished, unless a bill so to abolish the same shall be passed by a unanimous vote of the members of each branch of the general assembly, and shall be published at least three months before a new election of members to the general assembly, and shall be confirmed by a unanimous vote of the members of each branch of the general assembly at the next regular constitutional session after such new election; nor then, without full compensation to the master for the property of which he has been thereby deprived.

Mr. BENJAMIN moved for the previous question, which motion prevailed.

Mr. GUION moved to lay said section on the table indefinitely, and called for the yeas and nays which resulted as follows:

Messrs. *Aubert, Benjamin, Bourg, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Conrad of Orleans, Conrad of Jefferson, Culbertson, Dunn, Derbes, Eustis, Garcia, Garrett, Guion, Humble, Kenner, King, Ledoux, Lewis, Legendre, McCallop, McRae, Marigny, Mayo, Peets, Prescott of St. Landry, Pugh, Scott of Baton Rouge, Splane, Stephens, Trist, Waddill and Winder* voted in the affirmative—38 yeas; and

Messrs. *Boudousquie, Brazeale, Claiborne, Covillion, Dubouchel, Hynson, Porter,, Prudhomme, Ratliff, Read, Roman, St. Amand, Voorhies, Wederstrandt and Winchester* voted in the negative—15 nays; consequently said motion was carried.

Mr. LEWIS submitted the following additional section, viz:

All officers of this State appointed by the governor and senate, or elected by the people, shall be required to understand the French and English languages, so as to transact the business of their offices in either language.

Mr. MARIGNY moved that said section be laid on the table indefinitely. The yeas and nays being called for,

Messrs. *Aubert, Benjamin, Boudous-*

quie, Brazeale, Burton, Cade, Carriere, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dubouchel, Dunn, Eustis, Garcia, Garret, Guion, Humble, Hynson, Kenner, King, Labauve, Ledoux, Legendre, McCallor, McRae, Marigny, Mayo, Peets, Porter, Prudhomme, Pugh, Ratliff, Read, Roman, St. Amand, Scott of Baton Rouge, Stephens, Trist, Wederstrandt, Winchester and Winder voted in the affirmative—46 yeas; and

Messrs. *Bourg, Brent, Brumfield, Lewis, Prescott of St. Landry, Splane, Voorhies and Waddill* voted in the negative—8 nays; consequently said motion was carried.

Mr. LEWIS gave notice that he will on Saturday next move to reconsider the vote adopting the section offered by Mr. Marigny, requiring that the secretary of the senate and clerk of the house of representatives should possess the French and English languages.

Mr. EUSTIS submitted the following additional section, and the same was adopted, viz:

SEC. — The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration and police of the said city, pursuant to the mode of election which shall be prescribed by the legislature; *provided*, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor and recorders and aldermen shall be commissioned by the governor as justices of the peace, and the legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

Section thirty-seventh was taken up and adopted, viz:

SEC. 37. All commissions shall be in the name and by the authority of the State of Louisiana, sealed with the State seal, and signed by the governor.

Mr. GARRETT offered the following additional section, and the same was adopted, viz:

The legislature may provide by law in what case officers shall continue to perform the duties of their offices, until their successors shall have been inducted into office.

Mr. GARRETT submitted the following additional section, and the same was laid on the table, subject to call, viz:

All property subject to taxation in this State shall be taxed in proportion to its value, to be ascertained by law. No species of property from which a tax may be collected, shall be taxed higher than another species of property of equal value, and subject to taxation.

Mr. CONRAD of Orleans submitted the following additional section, and the same was laid on the table, subject to call, viz:

Taxation shall be equal and uniform throughout the State.

Section thirty-eighth was taken up and adopted, viz:

SEC. 38. the constitution and laws of this State shall be published in the French as well as in the English language, as heretofore.

On motion, the Convention adjourned till to-morrow at nine o'clock a. m.

NOTE.—Members absent at the call of the roll: Messrs. Beatty, Cade, Derbes, Downs, Hudspeth, O'Bryan, Penn, Saunders, Scott of Feliciana and Scott of Madison, absent on leave; Messrs. Porche, Sellers, Soule and Taylor of Assumption, absent on account of illness; and Messrs. Benjamin, Briant, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Eustis, Garcia, Grymes, Guion, Marigny, Mazureau, Preston, Prudhomme, Roselius, St. Amand, Stephens, Trist, Wadsworth, Winchester and Winder, absent at call.

FRIDAY, May 2, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel the Hon. Mr. STEPHENS, at the request of the president, opened the proceedings by prayer.

The secretary reported the receipt of the printers for the report of the debates of the 19th ult.

On motion of Mr. TAYLOR of St. Landry, Mr. Wikoff was excused for nonattendance on account of illness.

On motion of Mr. VOORHIES the additional section offered by him, defining the right of suffrage in certain cases, was taken up, viz:

The right of suffrage shall not be ex-

ercised by any person of unsound mind, or who shall be a pauper, or a non-commissioned officer, soldier, seaman, or marine in the service of the United States, or by any person convicted of a crime decreed by law felony.

Mr. CHINN moved to amend said section by inserting after the words "of unsound mind" the words "under interdiction."

Mr. CLAIBORNE submitted as a substitute for the above section, the following, viz:

No soldier, seaman or marine in the army or navy of the United States, or person under interdiction, nor under conviction of any crime punished with hard labor, shall be entitled to vote at any elections in this State.

Mr. TAYLOR of Assumption, moved to amend said substitute by inserting after the word "no" in the first line the word "officer." The yeas and nays being called for,

Messrs. *Derbes, Humble, King, Mazureau, Ratliff, Taylor* of Assumption, *Trist, Wederstrandt, Wikoff* and *Winchester* voted in the affirmative—10 yeas; and

Messrs. *Aubert, Boudousquie, Bourg Brazeale, Brent, Briant, Brumfield, Burton, Cade, Cenas, Chambliss, Chinn, Claiborne, Conrad* of Orleans, *Covillion, Culbertson, Dubouchel, Dunn, Eustis, Garrett, Guion, Hudspeth, Hynson, Kenner, Labauve, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Porter, Prescott* of St. Landry, *Prudhomme, Pugh, Read, Roman, St. Amand, Scott* of Baton Rouge, *Scott* of Madison, *Splane, Voorhies, Waddill, Wadsworth* and *Winder* voted in the negative—46 nays; consequently said motion was lost.

On motion of Mr. VOORHIES, the word "pauper" was inserted after the word "United States."

Mr. CONRAD of Orleans moved to amend said substitute by inserting after the word "pauper" the words "notorious vagrant." The yeas and nays being called for,

Messrs. *Boudousquie, Chinn, Claiborne, Conrad* of Orleans, *Culbertson, Derbes, Dunn, Guion, Hudspeth, Legendre, Lewis, Mazureau, Prudhomme, Roman, St. Amand, Taylor* of Assumption, *Voorhies, Wadsworth, Wederstrandt* and *Winchester* voted in the affirmative—20 yeas; and

Messrs. *Aubert, Brazeale, Brent, Bur-*

ton, Cade, Cénas, Chambliss, Covillion, Dubouchel, Eustis, Humble, Hynson, Kerner, King, Labaure, McCallop, McRae, Marigny, Mayo, Peets, Porter, Prescott of St. Landry, Pugh, Ratliff, Read, Scott of Baton Rouge, Scott of Madison, Splane, Stephens, Waddill, Wikoff and Winder voted in the negative—32 nays; consequently said motion was lost.

On motion the section as amended was adopted, viz :

No soldier, seaman or marine in the army or navy of the United States, no pauper, no person under interdiction nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any elections in this State.

On motion said section was referred to the committee of revision to be classed in the legislative department.

Mr. CHINN submitted the following resolutions, and the same were referred to a special committee of five, viz :

Resolved, that immediately after the adjournment of this Convention, the governor shall issue his proclamation directing the proper officers to hold elections on the —, in every parish in the State at which all the qualified voters under the old constitution shall decide whether they receive or reject the new constitution as submitted to them, which opinion shall be expressed by each qualified voter by depositing a ticket in the ballot box, upon which shall be written "the constitution accepted," or "the constitution rejected;" and at the conclusion of the voting, which shall be held and conducted in every respect as is the case in general elections, the commissioners holding said elections, after having carefully examined every ballot deposited, shall make due return thereof, forthwith, to the governor, who shall, in the presence of the secretary of state, attorney general, treasurer, and all persons who attend, open the said returns, with a view of ascertaining whether the new constitution has been received or rejected by the qualified voters. The result of which examination the governor shall cause to be published in the State paper, showing the number of persons who voted in favor of receiving the new constitution, and also those who voted to reject it.

Resolved, that if a majority of all the voters of the State voted in favor of the new

constitution, the governor shall by proclamation, declare the same to be the fundamental law of the land, and with a view of carrying the same into operation, the governor shall issue his order to all the parish judges, directing them to hold, on the third Monday in January, 1846, elections for the election of a governor of the State, a lieutenant governor of the State, members of the legislature, and all other officers provided under this constitution.

ORDER OF THE DAY.

SEC. 34. All charters heretofore granted by the legislature shall terminate on the first of January, in the year one thousand eight hundred and ninety, where no earlier limit has been fixed in the act of incorporation, and no corporate privileges hereafter to be created, shall ever endure for a longer term than twenty-five years; provided, that this section shall not apply to political and municipal corporations.

Mr. CONRAD of Orleans, moved to amend said section by striking out the following words, viz: "All charters heretofore granted by the legislature, shall terminate on the first day of January, in the year one thousand eight hundred and ninety, where no earlier limit has been fixed in the act of incorporation," and insert in lieu thereof the following amendment, viz :

"From and after the month of January, 1890, the legislature shall have the power to revoke the charter of all corporations whose charters shall not have expired previously to that time." Which amendment was adopted.

Mr. LEWIS moved to amend said section by inserting in the fifth line, after the words "corporate privileges," the words "except to political and municipal corporations," which amendment was adopted.

On motion the section as amended was adopted, viz :

From and after the month of January, 1890, the legislature shall have the power to revoke the charters of all corporations whose charters shall not have expired previously to that time; and no corporate privileges, except to political and municipal corporations hereafter to be created, shall ever endure for a longer term than twenty-five years.

Mr. EUSTIS submitted the following additional section, viz :

"Corporations shall not be created in

this State by special laws by the legislature, except for political or municipal purposes, but the legislature shall provide by general laws for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited."

Mr. EUSTIS moved for the adoption of said section. The yeas and nays being called for,

Messrs. *Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Cénas, Chambliss, Chinn, Conrad* of Jefferson, *Eustis, Dubouchel, Garrett, Hudspeth, Humble, Hynson, Kenner, King, Ledoux, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Prescott* of St. Landry, *Pugh, Read, St. Amand, Scott* of Baton Rouge, *Stephens, Voorhies, Waddill, Wederstrandt* and *Winder* voted in the affirmative—38 yeas; and

Messrs. *Carriere, Conrad* of Orleans, *Covillion, Culbertson, Derbes, Dunn, Garcia, Guion, Labauve, Porter, Ratliff, Roman* and *Winchester* voted in the negative—13 nays; consequently said motion was carried and the section adopted.

Mr. EUSTIS submitted the following additional section, viz :

After the year 1847, no corporation in this State shall issue notes or bills in any form whatever of a less denomination than ten dollars, after 1848 of a less denomination than twenty dollars, and after 1849 of a less denomination than fifty dollars.

No action shall be maintained after the year 1849 in any court in this State on any note or bill of exchange payable to bearer or indorsed in blank of a less denomination than fifty dollars; and it shall be the duty of the legislature to enforce the execution of the preceding provisions by such penal enactments as may be found necessary.

Mr. CHINN moved that the above sections be laid on the table indefinitely. The yeas and nays being called for, (Mr. Claiborne in the Chair,)

Messrs. *Aubert, Benjamin, Boudousquie, Brazeale, Briant, Brumfield, Burton, Carriere, Chinn, Claiborne, Conrad* of Orleans, *Conrad* of Jefferson, *Covillion, Culbertson, Derbes, Dunn, Garrett, Guion, Hudspeth, Hynson, Kenner, King, Labauve, Legendre, Lewis, McRae, Porter, Prescott* of St. Landry, *Pugh, Ratliff Roman, Splane, Ste-*

phens, Voorhies, Wederstrandt, Winchester and *Winder* voted in the affirmative—37 yeas; and

Messrs. *Brent, Cade, Chambliss, Dubouchel, Eustis, Garcia, Humble, Marigny, Mayo, Peets, Read, Scott* of Baton Rouge, *Scott* of Madison, *Waddill* and *Wadsworth* voted in the negative—15 nays; consequently said motion was carried.

On motion of Mr. ROMAN the section offered by him on yesterday, was taken up, viz :

The legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, (except in case of war, to repel invasion, and suppress insurrection,) unless the same be authorized by some law, for some single object or work, to be distinctly specified therein, which law shall provide ways and means by taxation for the payment of running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity of the capital borrowed; and said law shall be ir-repealable until the principal and interest thereon shall be paid and fully discharged, and shall not be put into execution until after its re-enactment by the first legislature returned by a general election after its passage.

Mr. BRENT moved to lay said section on the table indefinitely. The yeas and nays being called for,

Messrs. *Brazeale, Brent, Brumfield, Cade, Carriere, Chambliss, Covillion, Dubouchel, Hudspeth, Humble, Hynson, Ledoux, Lewis, McRae, Marigny, Peets, Porter, Prescott* of St. Landry, *Read, Scott* of Baton Rouge, *Scott* of Madison, *Splane, Stephens* and *Voorhies* voted in the affirmative—24 yeas; and

Messrs. *Aubert, Benjamin, Boudousquie, Briant, Burton, Chinn, Claiborne, Conrad* of Orleans, *Conrad* of Jefferson, *Derbes, Dunn, Garrett, Guion, Kenner, King, Labauve, Legendre, Mayo, Pugh, Ratliff, Roman, Trist, Waddill, Wadsworth, Wederstrandt* and *Winchester* voted in the negative—26 nays; consequently said motion was lost.

On motion of Mr. WADDILL, said section was laid on the table, to be printed, ordered and made the special order of the day for

Monday next—to be taken up together with section twenty-four.

Mr. CHINN called up the sections offered by him, in relation to duelling, viz :

SEC. —. Any citizen of this State, who shall, after the adoption of this constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, or who shall act as a second, or aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit under this constitution.

SEC. —. I, (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and laws of the State; and I do further solemnly swear (or affirm) that since the adoption of this constitution I have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending—So help me God.

Mr. McRAE moved to amend said section, by inserting after the word “profit,” in the last line, the words “and enjoying the right of suffrage;” which amendment was adopted.

Mr. LEWIS moved to reconsider the vote adopting the above amendment. The yeas and nays being called for,

Messrs. *Aubert, Brumfield, Chinn, Covillion, Dubouchel, Dunn, Garrett, Guion, Hudspeth, Humble, Kenner, Ledoux, Lewis, Peets, Porter, Prescott of St. Landry, Pugh, Read, Scott of Baton Rouge, Stephens and Winder* voted in the affirmative—21 yeas.

Messrs. *Benjamin, Boudousquie, Brazeale, Brent, Briant, Burton, Cade, Carriere, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Garcia, Hynson, Labauve, Legendre, McRae, Marigny, Mayo, Mazureau, Ratliff, Roman, Scott of Madison, Splane, Voorhies, Waddill, Wederstrandt and Winchester* voted in the negative—29 nays; consequently the motion was lost.

On motion of Mr. LABAUVE, said section was amended, by inserting in the sixth

line, after the word “second,” the word “knowingly.”

Mr. BENJAMIN offered the following amendment, to be inserted at the commencement of said section, viz :

“The legislature shall have the power to pass laws, providing that.”

Mr. GUION moved to amend the amendment of Mr. Benjamin, by striking out the words “have the power;” which amendment was lost.

Mr. BENJAMIN moved for the adoption of the amendment offered by him. The yeas and nays being called for,

Messrs. *Aubert, Benjamin, Boudousquie, Brumfield, Conrad of Orleans, Covillion, Dubouchel, Guion, Kenner, Mazureau, Roman, Winchester and Winder* voted in favor of said amendment—13 yeas; and

Messrs. *Brazeale, Brent, Briant, Burton, Cade, Carriere, Chambliss, Chinn, Conrad of Jefferson, Derbes, Dunn, Garcia, Garrett, Hudspeth, Humble, Hynson, Labauve, Legendre, Lewis, McRae, Marigny, Mayo, Peets, Porter, Prescott of St. Landry, Pugh, Ratliff, Read, Scott of Baton Rouge, Scott of Madison, Splane, Stephens, Voorhies, Waddill and Wederstrandt* voted in the negative—35 nays; consequently said motion was lost.

Mr. CONRAD of Orleans moved to amend by inserting in the 6th line after the word “knowingly the words “be present, aiding and assenting.” The yeas and nays being called for, (Mr. Garcia in the chair,)

Messrs. *Aubert, Boudousquie, Brumfield, Conrad of Orleans, Porter, Pugh, Ratliff, Roman, Splane and Winchester* voted in the affirmative—10 yeas; and

Messrs. *Brazeale, Brent, Briant, Burton, Cade, Carriere, Cenas, Chambliss, Chinn, Conrad of Jefferson, Derbes, Dubouchel, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Labauve, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, Peets, Prescott of St. Landry, Read, Scott of Baton Rouge, Scott of Madison, Stephens, Voorhies, Waddill, Wederstrandt and Winder* voted in the negative—37 nays; consequently said amendment was rejected.

Mr. PORTER moved to amend, by striking out in the fifth line, the words, “out of it,” which motion was lost.

Mr. CHINN moved for the adoption of the section as amended, viz:

Any citizen of this State who shall after the adoption of this constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as a second or knowingly aid and assist in any manner, those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this Constitution. The yeas and nays being called for,

Messrs. *Aubert, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Conrad of Jefferson, Derbes, Dubouchel, Dunn, Garrett, Guion, Hudspeth, Humble, Hynson, Labauve, Lewis, McRae, Mayo, Peets, Prescott, of St. Landry, Preston, Pugh, Read, Scott of Baton Rouge, Scott of Madison, Stephens, Voorhies, Waddill, Winchester and Winder* voted in the affirmative—35 yeas; and,

Messrs. *Boudousquie, Cenas, Conrad of Orleans, Eustis, Kenner, Legendre, Mazureau, Porter, Ratliff, Roman, Splane and Wederstrandt* voted in the negative—12 nays; consequently said motion was carried, and the section was adopted.

Mr. BRENT gave notice that he will on Monday next, move to reconsider the vote fixing the salary of the judges of the supreme court.

Mr. GARRETT gave notice that he will on Monday next, move to reconsider the vote adopting the 7th section in the general provisions.

On motion, the Convention adjourned till to-morrow, at 9 o'clock, a. m.

NOTE.—Members absent at the first call of the house: Messrs. Beatty, Derbes, Downs, O'Bryan, Penn, Saunders and Scott of Feliciana, absent on leave. Messrs. Porche, Sellers, Soulé and Taylor of Assumption, absent on account of illness; and Messrs. Benjamin, Boudousquie, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Dubouchel, Dunn, Eustis, Garcia, Grymes, Guion, King, Ledoux, Marigny, Mazureau, Prescott of St. Landry, Preston, Pugh, Ratliff, Roselius, St. Amand, Splane, Wadsworth, Winchester and Winder absent at call.

NOTE.—Members absent at the second call of the roll: Messrs. Beatty, Derbes, Downs, O'Bryan, Penn, Saunders and Scott of Feliciana, absent on leave. Messrs. Porche, Sellers, Soule, Taylor of Assump-

tion absent on account of illness; and, Messrs. Benjamin, Boudousquie, Cenas, Chinn, Conrad of Orleans, Conrad of Jefferson, Dunn, Eustis, Garcia, Grymes, Ledoux, Marigny, O'Bryan, Pugh, Ratliff, Roselius, St. Amand, Splane, Trist, Wadsworth, and Winchester did not answer to their names.

—————
SATURDAY, May 3, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings with prayer.

On motion, leave of absence was granted to Mr. Prudhomme.

This being the day fixed, Mr. LEWIS moved to reconsider the vote adopting the section requiring that the secretary of the senate and the clerk of the house of representatives, should possess the French and English languages, and that any member of the general assembly may address either house in the French or English language. The yeas and nays being called for,

Messrs. *Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Dunn, Garrett, Hudspeth, Humble, Lewis, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Ratliff, Read, Scott of Madison, Splane, Stephens, Taylor of Assumption, Waddill, Wadsworth and Wederstrandt* voted in the affirmative—28 yeas; and

Messrs. *Bourg, Claiborne, Covillion, Culbertson, Dubouchel, Derbes, Eustis, King, Ledoux, Legendre, Marigny, Mazureau, Pugh, Roman, Scott of Baton Rouge, Voorhies, Winchester and Winder* voted in the negative—20 nays; consequently said motion was carried, and the section taken up, viz:

“The secretary of the senate and the clerk of the house of representatives, shall possess the French and English languages, and any member of the general assembly may address either house in the French or English language.”

Mr. BRENT moved for a division of the question, that is, to act on the section, paragraph by paragraph.

Mr. CHINN moved for the previous question, which motion prevailed.

On motion of Mr. GUION, the previous question was reconsidered.

Mr. TAYLOR of Assumption, moved to

lay the section on the table indefinitely. The yeas and nays being called for,

Messrs. *Brazeale, Brumfield, Burton, Chambliss, Chinn, Dunn, Guion, Hynson, Ledoux, Lewis, McRae, Peets, Porter, Prescott of St. Landry, Preston, Ratliff, Read, Scott of Madison, Splane, Stephens, Taylor of Assumption, Wadsworth and Wederstrandt* voted in the affirmative—23 yeas; and

Messrs. *Aubert, Benjamin, Bourg, Brent, Briant, Cade, Carriere, Claiborne, Conrad of Orleans, Covillion, Culbertson, Dubouchel, Derbes, Eustis, Garrett, Hudspeth, Humble, King, Legendre, Marigny, Mayo, Mazureau, Pugh, Roman, Scott of Baton Rouge, Voorhies, Waddill, Winchester and Winder* voted in the negative—29 nays; consequently said motion was lost.

Mr. WADDILL moved to amend said section by adding at the end of the same, the words “or in any of the living languages.”

Mr. DERBES moved to lay the amendment on the table indefinitely. The yeas and nays being called for,

Messrs. *Aubert, Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Claiborne, Conrad of Orleans, Covillion, Culbertson, Derbes, Dubouchel, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, King, Ledoux, Legendre, Lewis, Marigny, Mayo, Mazureau, Peets, Prescott of St. Landry, Preston, Pugh, Roman, Roselius, Scott of Baton Rouge, Scott of Madison, Splane, Stephens, Taylor of Assumption, Voorhies, Wadsworth, Wederstrandt, Winchester and Winder* voted in the affirmative—48 yeas; and

Messrs. *McRae, Ratliff, Read and Waddill* voted in the negative—4 nays; consequently said motion was carried.

Mr. LEWIS moved for a division of the question, that is, to act on the section, paragraph by paragraph, which motion prevailed.

On the motion to adopt the first paragraph, requiring “the secretary of the senate and the clerk of the house of representatives to possess the French and English languages,” the yeas and nays being called for,

Messrs. *Aubert, Benjamin, Bourg, Burton, Cade, Carriere, Claiborne, Conrad of Orleans, Covillion, Culbertson, Derbes, Du-*

bouchel, Eustis, King, Ledoux, Legendre, Marigny, Mayo, Mazureau, Peets, Prescott of St. Landry, Pugh, Roman, Roselius, Scott of Baton Rouge, Splane, Taylor of Assumption, Voorhies, Waddill, Winchester and Winder voted in the affirmative—32 yeas; and

Messrs. *Brazeale, Brent, Brumfield, Chambliss, Chinn, Garrett, Guion, Hudspeth, Humble, Hynson, Lewis, Porter, Preston, Ratliff, Read, Scott of Madison, Stephens, Wadsworth and Wederstrandt* voted in the negative—19 nays; consequently said motion was carried, and the first paragraph was adopted.

On the motion to adopt the second paragraph, requiring that “any member of the general assembly may address either house in the French or English language,” the yeas and nays being called for,

Messrs. *Aubert, Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Covillion, Culbertson, Derbes, Dubouchel, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, King, Ledoux, Legendre, Lewis, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Pugh, Roman, Roselius, Scott of Baton Rouge, Scott of Madison, Splane, Taylor of Assumption, Voorhies, Waddill, Wadsworth, Wederstrandt, Winchester and Winder* voted in the affirmative—49 yeas; and

Messrs. *Preston, Ratliff and Read* voted in the negative—3 nays; consequently said motion was carried, and the second paragraph was adopted; and the whole section was adopted as follows, viz:

The secretary of the senate and the clerk of the house of representatives, shall possess the French and English languages, and any member of the general assembly may address either house in the French or English language.

Mr. MARIGNY gave notice that he will on Tuesday next, move to reconsider the laying upon the table indefinitely the section offered by Mr. Eustis, in relation to the issuing of small notes by the banks.

Mr. PRESTON submitted the following additional section, viz:

“The general assembly may establish by law an adequate compensation in fees or salaries for the justices of the peace of the State.”

Mr. PRESTON moved for the adoption of the above section. The yeas and nays being called for,

Messrs. *Benjamin, Bourg, Brent, Brazeale, Briant, Burton, Cade, Carriere, Cénas, Chambliss, Chinn, Claiborne, Covillion, Culbertson, Derbes, Dubouchel, Dunn, Hudspeth, Humble, Hynson, Ledoux, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott* of St. Landry, *Preston, Pugh, Ratliff, Read, Scott* of Baton Rouge, *Splane, Stephens, Voorhies, Waddill* and *Wederstrandt* voted in the affirmative—40 yeas; and

Messrs. *Aubert, Conrad* of Orleans, *Eustis, Guion, King, Roman, Roselius, Taylor* of Assumption, *Winchester* and *Winder* voted in the negative—10 nays; consequently said motion was carried, and the section was adopted.

Mr. TAYLOR of Assumption submitted the following additional section, viz :

“All judicial proceedings shall be conducted in the French language, against the citizens of the State whose mother tongue is French, and who do not understand and speak the English language.”

Mr. ROSELIUS moved to amend said section, by inserting after the word “French” the words “or German.”

Mr. CHINN moved to lay the section and amendment on the table indefinitely. The yeas and nays being called for,

Messrs. *Aubert, Brazeale, Brent, Burton, Cade, Carriere, Cénas, Chambliss, Chinn, Claiborne, Conrad* of Orleans, *Dunn, Dubouchel, Eustis, Garrett, Hudspeth, Humble, Hynson, King, Legendre, Lewis, McRae, Marigny, Mayo, Peets, Porter, Prescott* of St. Landry, *Preston, Pugh, Ratliff, Read, Roman, Scott* of Baton Rouge, *Scott* of Madison, *Splane, Waddill, Wederstrandt, Winchester* and *Winder* voted in the affirmative—40 yeas; and

Messrs. *Bourg, Briant, Covillion, Derbes, Guion, Ledoux, Roselius, Soulé* and *Taylor* of Assumption voted in the negative—9 nays; consequently said motion was carried.

Mr. MAYO offered the following additional section, and the same was adopted:

“The governor shall have power to issue writs of election, to supply vacancies that may happen in either house of the general assembly.”

ORDER OF THE DAY.

Second additional section offered by Mr. Chinn, viz :

SEC. —. I, (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the State; and I do further solemnly swear (or affirm) that since the adoption of this constitution I have not fought with deadly weapons, within this State nor out of it, nor have I sent a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending—So help me God.

Mr. CONRAD of Orleans, moved to amend said section by striking out the words “rules and regulations of the constitution and laws of the State,” and insert in lieu thereof the following words “constitution and laws of the United States and of this State;” which amendment was adopted.

Mr. CONRAD of Orleans, moved to amend by inserting after the words “I sent a challenge,” the words “or accepted a challenge,” which amendment was adopted.

Mr. GUION moved to amend said section by striking out the following words, viz :

And I do further solemnly swear (or affirm) that since the adoption of the present constitution, I have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent a challenge or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending.

The yeas and nays being called for on the motion of Mr. Guion to strike out,

Messrs. *Briant, Cénas, Claiborne, Guion, Legendre, Marigny, Porter, Ratliff, Roman, Soulé, Splane, Wederstrandt* and *Winder* voted in the affirmative—13 yeas; and

Messrs. *Bourg, Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Chinn, Covillion, Culbertson, DuBouchel, Dunn, Eustis, Garrett, Hudspeth, Humble, Hynson, Ledoux, Lewis, McRae, Mayo, Peets, Prescott* of St. Landry, *Preston, Pugh, Read, Roselius, Scott* of Baton Rouge

Scott of Madison, Stephens, Taylor of Assumption, Voorhies and Waddill voted in the negative—33 nays; consequently said motion was lost.

Mr. CHINN then moved for the adoption of the section as amended, viz :

I, (A B) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding agreeably to the constitution and laws of the United States and of this State : and I do further solemnly swear (or affirm) that since the adoption of the present constitution, I have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent a challenge or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending—So help me God.

The yeas and nays being called for on the motion to adopt the section as amended,

Messrs. Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Claiborne, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dubouchel, Dunn Eustis, Hudspeth, Humble, Hynson, Ledoux, Lewis, McRae, Mayo, Peets, Preston, Pugh, Read, Roselius, Scott of Baton Rouge, Scott of Madison, Stephens, Voorhies and Waddill voted in the affirmative—36 yeas; and

Messrs. Cénas, Legendre, Marigny, Porter, Ratliff, Roman, Soulé, Splane and Wederstrandt voted in the negative—9 nays; consequently said motion was carried, and the section as amended was adopted.

On motion the first section of the general provisions was taken up, viz :

SEC. 1. Members of the general assembly and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: I, (A B,) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and laws of this State—So help me God.

Mr. CHINN moved to amend said section by striking out the words "I, (A B) do sol-

emnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and laws of this State—so help me God," and insert in lieu thereof the following words, viz :

I, (A B) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——— according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States and of this State.

And I do further solemnly swear (or affirm) that since the adoption of the present constitution, I have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent a challenge or accepted a challenge to fight with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending—So help me God.

On motion, said section as amended was adopted.

Section twenty-ninth was taken up, viz:

SEC. 29. Every law of a general nature shall be equally applicable to all parts of the State.

Mr. MAYO moved to lay said section on the table indefinitely.

Mr. EUSTIS moved to amend said motion by laying said section on the table subject to call, which motion prevailed.

Mr. SCOTT of Baton Rouge, submitted, on behalf of Mr. McCallop, the following additional section, viz :

All contested elections for members of the senate and house of representatives and all other parish officers, shall be decided by the district court of the parish in which the contest shall have originated.

On motion, the Convention adjourned till Monday next, at 9 o'clock, a. m.

NOTE.—Members absent at the first call of the house : Messrs. Beatty, Downs, O'Bryan, Penn, Prescott of Avoyelles, Prudhomme, Saunders and Scott of Feliciana, absent on leave. Messrs. Porche, Sellers and Wikoff absent on account of illness; and Messrs. Benjamin, Boudousquié, Bourg, Carriere, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson,

Culbertson, Derbes, Eustis, Guion, Grymes, Garcia, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Marigny, Mayo, Mazureau, Preston, Pugh, Ratliff, Roselius, St. Amand, Soulé, Taylor of St. Landry, Taylor of Assumption, Trist, Voorhies and Winchester did not answer to their names at the first call of the house.

NOTE.—Members absent at the second call of the roll: Messrs. Benjamin, Boudousquie, Cénas, Chinn, Conrad of Orleans, Conrad of Jefferson, Derbes, Eustis, Garcia, Grymes, Guion, Kenner, King, Labauve, McCallop, Marigny, Preston, Roselius, St. Amand, Soulé, Taylor of St. Landry, Trist and Wadsworth.

MONDAY, May 5, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel the Hon. Mr. STEPHENS, at the request of the president, opened the proceedings with prayer.

The secretary reported the receipt of the printers for the report of the debates of the 19th, 21st and 22d of April.

Mr. CARRIÈRE was excused for nonattendance on account of illness.

Mr. READ submitted the following additional report, viz:

Capital punishment shall never be inflicted in this State.

Which was laid on the table subject to call.

Mr. BRENT submitted the following report, viz:

Ordered, That immediately after the adjournment of this Convention the governor shall issue his proclamation, directing the several officers of this State, authorized by law to hold elections for members of the general assembly, to open and hold an election in every parish of the State, at the places designated by law, upon the first Monday of November next, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this amended constitution. And it shall be the duty of the said officers to receive the votes of all persons entitled to vote under the old constitution, and under this amended constitution. Each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written "the constitution accepted," or

"the constitution rejected," or some such words as will distinctly convey the intention of the voter. At the conclusion of said election, which shall be conducted in every respect as the general State election is now conducted, the commissioners designated to preside over the same, shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the secretary of State, in conformity to the provisions of the existing law upon the subject of elections.

Ordered, That upon the receipt of the said returns, it shall be the duty of the governor, the secretary of State, the attorney general and the State treasurer, in the presence of all such persons as may choose to attend, to compare the votes given in said election for the ratification and rejection of this amended constitution; and if it shall appear from said returns that a majority of all the votes given in said election is for ratifying the amended constitution, then it shall be the duty of the governor to make proclamation of that fact, and thenceforth this amended constitution shall be ordained and established as the constitution of Louisiana. But whether the amended constitution be accepted or rejected, it shall be the duty of the governor to cause to be published in the State paper the result of the said election, showing the number of votes cast for and against the said constitution.

Ordered, That should this amended constitution be accepted by the people, it shall also be the duty of the governor forthwith to issue his proclamation, declaring the present legislature, elected under the old constitution, to be dissolved, and directing the several officers of the State, authorized by law, to hold elections for members of the general assembly; to hold an election at the places designated by law, upon the third Monday in January next (1846), for governor, lieutenant governor, members of the general assembly and all other officers whose election is provided for pursuant to the provisions of this amended constitution. And the said election shall be conducted, and the returns thereof made in conformity with the existing laws upon the subject of State elections.

Ordered, That the general assembly, elected under this amended constitution, shall convene at the state house in the city of New Orleans, upon the second Monday

of February next, after the election (1846); and that the governor and lieutenant governor, elected at the same time, shall be duly installed in office during the first week of their session, and before it shall be competent for the said general assembly to proceed with the transaction of business.

The minority of the committee then offered the following counter report, viz:

The undersigned, a minority of the committee appointed to devise a plan by which the amended constitution shall be carried into effect, have differed from the majority as to the time and manner of submitting it to the people for their approval or rejection, have deemed it incumbent on them to make the following counter report, for which then respectfully solicit the consideration of the Convention:

They are of opinion that there should be no greater delay in calling the people together in their several election districts, to decide upon the organic law which this Convention has framed for them, than is necessary for it to be published in all parts of the State, and to become generally known to the inhabitants; and as it is probable that this body will adjourn on or about the 10th instant, the undersigned propose that the second Monday of July next should be fixed upon for its submission to the electors. This would give the people two months' time to examine and discuss it, and to compare its provisions with those of the old constitution, a period quite sufficient, to the apprehension of the undersigned, for it to be maturely considered and fully understood. At the present time the attention of the people is called to the proceedings of this Convention, and a lively interest is felt in the result of its labors. The sooner the work is submitted to them the greater is the probability of obtaining for it a full, fair and unprejudiced expression of the public sentiment. It is to be feared that the long delay proposed by the majority of the committee will have a tendency to stifle enquiry on the subject, and cause an apathy to be felt, which will defeat the object which the Convention has in view, to-wit: to procure the decision of a majority of the qualified electors, approving or rejecting the amended constitution.

The undersigned are also fully persuaded that it is contrary to good policy and sound

principle to allow any class of persons, other than those who were heretofore entitled to the elective franchise, to vote for or against the new constitution. It was they who voted for the assembling of this Convention; they alone are the constituents of its members, and they only have the right to say whether the mandate given by them has been executed in such a manner as to meet their approbation. The proposition of the majority of the committee to allow, in addition to those who already possess the qualifications of voters, all who may have been constituted electors under the new constitution, to vote at the assembling of the people to decide upon that instrument, is viewed by the undersigned as amounting in effect, to a fraud upon the rights of the constituency of this Convention. It is hazarding nothing to declare that had such a proceeding been anticipated, before the people decided to call a Convention, a very large portion of those who voted for it would have refused to delegate a power which could be exercised so as to defeat their wishes, whilst they are mocked with a show of accountability, on the part of their representatives. The undersigned cannot perceive how it can be pretended that persons who are not entitled to vote under the existing constitution, should be permitted to exercise this inestimable privilege upon an occasion like that in question. Those persons had no agency in electing the members of this Convention, and could not in consequence, instruct them as to their acts. They have therefore no right to decide upon that which has been done by those who are not their agents; and this Convention has no rightful power to diminish the constitutional privileges of the electors of this State, by extending the elective franchise, without their consent, to persons who are by that means enabled to nullify their wishes.

The undersigned do not deem it necessary to say any thing further in support of the views they have taken of the matter under consideration; they submit it to the wisdom and sound discretion of the Convention.

Respectfully,
THOS. W. CHINN,
GEORGE S. GUION.

Mr. EUSTIS, chairman of the committee of revision, reported the legislative article.

ORDER OF THE DAY.

GENERAL PROVISIONS.

SEC. 24. The legislature shall not have power or authority to pledge the faith of the State, as security for the payment of any bonds, bills, or other contracts or obligations whatever, nor to borrow money for any purpose whatever, except for defraying the expense of war, or for the purpose of repelling an invasion of the State by an armed force, or of suppressing an insurrection.

Provided, That the State shall have the right to issue new bonds in payment of its now outstanding obligations or liabilities, whether due or not, the said new bonds, however, to bear upon their face, either in principal or interest, an amount less than the original obligations they are intended to replace.

The following additional section, offered by Mr. ROMAN, was taken up, viz:

The legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with all previous debts or liabilities, exceed the sum of one hundred thousand dollars, (except in case of war, to repel invasion or suppress insurrection) unless the same be authorized by some law, for some single object or work, to be distinctly specified therein, which law shall provide ways and means, by taxation, for the payment of running interests during the whole time for which said debt shall be contracted and for the full and punctual discharge at maturity, of the capital borrowed; and said law shall be irrevocable until the principal and interest thereon shall be paid and fully discharged, and shall not be put into execution until after its re-enactment by the first legislature returned by a general election after its passage.

Mr. LEWIS offered the following as a substitute for the twenty-fourth section, viz:

SEC. 24. The legislature shall not have power or authority to pledge the faith of the State, as surety for the payment of any bonds, bills, or other contracts or obligations, for the benefit or use of any person or persons, corporation or body politic whatever; *provided*, that the State shall have the right to issue new bonds in payment of its now outstanding obligations or liabilities, whether due or not; the said bonds, however, not to be issued for a larger

amount, or at a higher rate of interest, than the obligations they are intended to replace.

Mr. EUSTIS moved to amend said substitute by striking out the following proviso, viz:

Provided, That the State shall have the right to issue new bonds in payment of its now outstanding obligations or liabilities, whether due or not; the said new bonds, however, not to be issued for a larger amount or at a higher rate of interest than the original obligations they are intended to replace.

Mr. CONRAD of Orleans, moved to amend said substitute by striking out in second line the words "as surety."

The yeas and nays being called for,

Messrs. Boudousquie, Brazeale, Brent, Brumfield, Cade, Cénas, Chambliss, Claiborne, Conrad of Orleans, Covillion, Culbertson, Debouchel, Eustis, Garrett, Guion, Humble, King, Ledoux, Mayo, Mazureau, Peets, Preston, Pugh, Read, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Voorhies, Waddill, Wadsworth, Wederstrandt and Winder voted in the affirmative—33 yeas; and

Messrs. Beatty, Bourg, Briant, Burton, Chinn, Downs, Dunn, Hudspeth, Hynson, Legendre, Lewis, McRae, Porter, Prescott of St. Landry, Roman, St. Amand, Scott of Baton Rouge and Winchester voted in the negative—18 nays; consequently said motion was carried, and the words "as surety" were stricken out.

The yeas and nays being called for on the motion of Mr. Eustis to strike out the proviso,

Messrs. Beatty, Brazeale, Cade, Chambliss, Covillion, Eustis, Humble, Hynson, Ledoux, Mayo, Peets, Porter, Preston, Read, Scott of Baton Rouge, Scott of Madison, Stephens, Taylor of Assumption, Voorhies, Waddill and Wederstrandt voted in the affirmative—21 yeas; and

Messrs. Boudousquie, Bourg, Briant, Brumfield, Burton, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dubouchel, Downs, Dunn, Garrett, Guion, Hudspeth, King, Legendre, Lewis, McRae, Mazureau, Prescott of St. Landry, Pugh, Roman, St. Amand, Sellers, Wadsworth, Winchester and Winder voted in the negative—31 nays; consequently said motion was lost.

Mr. MARIGNY moved to amend said sec-

tion by inserting at its commencement the following words, viz:

"As the constitution of the United States prohibits the States from coining money or issuing bills of credit."

On motion of Mr. WADSWORTH, said amendment was laid on the table indefinitely.

Mr. TAYLOR of Assumption, moved for a division of the question, that is, to act on the section paragraph by paragraph; which motion prevailed.

The yeas and nays being called for on the motion to adopt the first paragraph, viz:

"The legislature shall not have power or authority to pledge the faith of the State for the payment of any bonds, bills, or other contracts or obligations, for the benefit or use of any person or persons, corporation or body politic whatever;" resulted as follows:

Messrs. *Beatty, Boudousquie, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Cénas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dubouchel, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, King, Ledoux, Legendre, McRae, Marigny, Mayo, Peets, Porter, Prescott of St. Landry, Pugh, Read, Roman, St. Amand, Scott of Baton Rouge, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Waddill, Wadsworth, Wederstrandt, Winchester and Winder* voted in the affirmative—53 yeas; the vote being unanimous, the said motion was carried, and the first paragraph was adopted.

The yeas and nays being called for on the adoption of the second paragraph, viz:

Provided, That the State shall have the right to issue new bonds in payment of its now outstanding obligations or liabilities, whether due or not; the said new bonds, however, not to be issued for a larger amount, or at a higher rate of interest, than the original obligations they are intended to replace,—resulted as follows,

Messrs. *Boudousquie, Bourg, Brumfield, Burton, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dubouchel, Dunn, Garrett, Guion, Hudspeth, King, Legendre, Lewis, McRae, Marigny, Pugh, Roman, St. Amand, Sellers, Taylor of St. Landry, Waddill, Wadsworth, Winchester and Winder* voted in the affirmative—31 yeas; and

Messrs. *Beatty, Brazeale, Brent, Chambliss, Covillion, Eustis, Humble, Hynson, Ledoux, Mayo, Peets, Porter, Read, Scott of Baton Rouge, Scott of Madison, Stephens, Taylor of Assumption, Voorhies and Wederstrandt* voted in the negative—19 nays; consequently said motion was carried, and the second paragraph was adopted.

On motion, the section as amended, was adopted. viz:

SEC. 24. The legislature shall not have power or authority to pledge the faith of the State for the payment of any bonds, bills, or other contracts or obligations, for the benefit or use of any person or persons, corporation or body politic whatever.

Provided, That the State shall have the right to issue new bonds in payment of its now outstanding obligations or liabilities, whether due or not; the said new bonds, however, not to be issued for a larger amount, or at a higher rate of interest, than the original obligations they are intended to replace.

The following additional section offered by Mr. Roman, was taken up.

The legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate with all previous debts or liabilities, exceed the sum of one hundred thousand dollars, (except in case of war, to repel invasion or suppress insurrection,) unless the same be authorized by some law, for some single object or work, to be distinctly specified therein, which law shall provide ways and means, by taxation, for the payment of running interests during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity, of the capital borrowed; and said law shall be irrepealable until the principal and interest thereon shall be paid and fully discharged, and shall not be put into execution until after its re-enactment by the first legislature returned by a general election after its passage.

Mr. READ moved to amend said section by striking out from the third line the words, "which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars," and to strike out from the eighth line, the remainder of said section, viz: "unless the same be authorized by

some law, for some single object or work, to be distinctly specified therein, which law shall provide ways and means, by taxation, for the payment of running interests during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity, of the capital borrowed; and said law shall be irrepealable until the principal and interest thereon shall be paid and fully discharged, and shall not be put into execution until after its re-enactment by the first legislature returned by a general election after its passage.

The yeas and nays being called for on said motion to strike out the above words,

Messrs. *Beatty, Bourg, Brazeale, Brent, Brumfield, Cade, Chambliss, Covillion, Dubouchel, Eustis, Humble, Hynson Ledoux, McRae, Marigny, Peets, Porter, Read, Scott of Baton Rouge, Scott of Madison, Sellers, Soulé, Stephens, Taylor of Assumption, Waddill and Wederstrandt* voted in the affirmative—26 yeas; and

Messrs. *Boudousquie, Burton, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Garrett, Guion, Hudspeth, King, Legendre, Lewis, Mayo, Prescott of St. Landry, Pugh, Roman, St. Amand, Taylor of St. Landry, Voorhies, Wadsworth, Winchester and Winder* voted in the negative—27 nays; consequently said motion was lost.

Mr. TAYLOR of Assumption, offered as a substitute to said section the following, viz :

“No money shall be borrowed by the State unless for ordinary administrative purposes, without the assent of the people given at a general election.”

Mr. CONRAD of Orleans, offered the following amendment, to be inserted at the end of said substitute, viz :

“Or unless the law authorizing the loan shall be passed by two successive legislatures, and by the same law a tax shall be imposed or a sinking fund established sufficient to pay the interest on the loan as it shall accrue, and the principal thereof at maturity; and in such case the law imposing the tax or creating the sinking fund, shall be irrepealable until the principal and interest of the debt shall be discharged.”

Mr. LEWIS moved to lay the substitute

and amendment on the table indefinitely. The yeas and nays being called for,

Messrs. *Beatty, Benjamin, Boudousquie, Bourg, Brazeale, Briant, Brumfield, Cade, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dubouchel, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, King, Ledoux, Legendre, Lewis, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Pugh, Read, Roman, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wadsworth, Wederstrandt, Winchester and Winder* voted in the affirmative—47 yeas; and

Messrs. *Cénas, Marigny, Scott of Baton Rouge, Soulé and Taylor of Assumption* voted in the negative—5 nays; consequently said motion was carried.

Mr. ROMAN moved to amend said section by striking out the following words, “the legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities exceed the sum of one hundred thousand dollars,” and insert in lieu thereof the following amendment, viz :

“The aggregate amount of debts hereafter contracted by the legislature, shall never exceed one hundred thousand dollars;” which amendment was adopted.

Mr. PEETS moved to amend said section by inserting after the word “time,” in the thirteenth line, the words “which term shall not exceed ten years;” which amendment was lost.

Mr. Roman moved for the adoption of the section as amended; the yeas and nays being called for,

Messrs. *Benjamin, Boudousquie, Bourg, Briant, Burton, Cénas, Chambliss, Chinn, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Garrett, Guion, Hudspeth, King, Legendre, Lewis, McRae, Mayo, Prescott of St. Landry, Pugh, Roman, St. Amand, Scott of Madison, Taylor of St. Landry, Voorhies, Wederstrandt, Winchester and Winder* voted in the affirmative—32 yeas; and

Messrs. *Beatty, Brazeale, Brent, Brumfield, Cade, Covillion, Dubouchel, Eustis, Humble, Hynson, Ledoux, Marigny, Peets, Porter, Preston, Read, Scott of Baton Rouge, Sellers, Soulé, Stephens, Taylor of*

Assumption and *Waddill* voted in the negative—22 nays; consequently said motion was carried, and the section as amended, was adopted, viz:

The aggregate amount of debts hereafter contracted by the legislature, shall never exceed one hundred thousand dollars, (except in case of war, to repel invasion or suppress insurrection,) unless the same be authorized by some law, for some single object or work, to be distinctly specified therein, which law shall provide ways and means, by taxation, for the payment of running interests during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity, of the capital borrowed; and said law shall be irrevocable until the principal and interest thereon shall be paid and fully discharged, and shall not be put into execution until after its re-enactment by the first legislature, returned by a general election after its passage.

Mr. READ called up the additional section offered by him, viz:

“Capital punishment shall never be inflicted in this State.”

Mr. CHINN moved to lay said section on the table indefinitely. The yeas and nays being called for,

Messrs. *Benjamin, Boudousquière, Brazeale, Brent, Cade, Cénas, Chinn, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dunn, Eustis, Garrett, Hudspeth, Humble, Hynson, King, Legendre, Lewis, Marigny, Mayo, Peets, Prescott of St. Landry, Preston, Pugh, Roman, St. Amand, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Winchester and Winder* voted in the affirmative—37 yeas; and

Messrs. *Beatty, Bourg, Briant, Burton, Chambliss, Dubouchel, Garcia, Ledoux, McRae, Porter, Read, Scott of Baton Rouge, Scott of Madison, Soulé, Waddill and Wederstrandt* voted in the negative—16 nays; consequently said motion was carried.

Agreeably to notice previously given, Mr. Garrett moved to reconsider the vote adopting the seventh section of the general provisions, which motion prevailed, and said section was taken up, viz:

SEC. 7. All civil officers for the State at large shall reside within the State, and all district or parish officers within their sev-

eral districts or parishes, and shall keep their respective offices at such places therein as may be required by law; and no person shall be elected or appointed to any district or parish office, who shall not have resided in such district or parish long enough before such election or appointment to have acquired the right of voting for representatives to the general assembly in such district or parish.

Mr. LEWIS moved to amend said section by striking out in the sixth, seventh and tenth lines, the words “district or,” The yeas and nays being called for,

Messrs. *Beatty, Benjamin, Broudousquie, Bourg, Bryant, Cénas, Chinn, Conrad of Orleans, Covillion, Culbertson, Derbes, DuBouchel, Downs, Dunn, Eustis, Garrett, Guion, Hudspeth, King, Legendre, Ledoux, Lewis, McRae, Marigny, Mayo, Roman, St. Amand, Soule, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wederstrandt, Winchester and Winder* voted in the affirmative—34 yeas; and

Messrs. *Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Humble, Hynson, Peets, Porter, Prescott of St. Landry, Read, Scott of Baton Rouge, Scott of Madison, Sellers, Stephens and Woddill* voted in the negative—17 nays; consequently said motion was carried, and the words were stricken out.

Mr. GARRETT moved to amend said section by inserting at the end of the same the following amendment, viz:

“And no person shall be appointed or elected to any district office who shall not have resided in said district, or an adjoining district, long enough before such appointment or election, to have acquired the right of voting for representatives to the general assembly for the same; which amendment was adopted.”

On motion, the seventh section, as amended, was adopted, viz:

SEC. 7. All civil officers for the State at large, shall reside within the State, and all district or parish officers within their respective districts or parishes, and shall keep their respective offices at such places therein as may be required by law; and no person shall be elected or appointed to any parish office who shall not have resided in such parish long enough before such election or appointment to have acquired the right of voting for representatives to

the general assembly in such parish; and no person shall be appointed or elected to any district office, who shall not have resided in such district or an adjoining district, long enough before such appointment or election to have acquired the right of voting for representatives to the general assembly for the same.

Section twenty-ninth was taken up, viz:

SEC. 29. Every law of a general nature shall be equally applicable to all parts of the State.

Mr. LEWIS offered as a substitute for said section the following, viz:

"No law shall be passed enabling particular individuals to make contracts which by the general laws they were not permitted to make, or removing in favor of individuals, any incapacity or disability imposed by general laws."

Mr. DUNN offered as a substitute for the substitute of Mr. Lewis, the following, viz:

"The general assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law."

Mr. LEWIS moved for the adoption of the substitute offered by him. The yeas and nays being called for,

Messrs. Broudousquie, Brent, Cade, Derbes, DuBouchel, Eustis, Garrett, Hynson, Hudspeth, King, Lewis, McRae, Marigny, Mayo, Peets, Porter, Prescott of St. Landry, Read, Scott of Baton Rouge, Stephens, Soule, Taylor of Assumption, Taylor of St. Landry, Voorhies and Wederstrandt voted in the affirmative—25 yeas; and

Messrs. Beatty, Benjamin, Bourg, Brazeale, Bryant, Brumfield, Burton, Cenas, Chambliss, Chinn, Conrad of Orleans, Covillion, Downs, Dunn, Guion, Humble, Legendre, Roman, St. Amand, Scott of Madison, Sellers, Waddill, Wadsworth, Winchester and Winder voted in the negative—25 nays; the vote being equal, the president voted in the negative; consequently said motion was lost, and the substitute was rejected.

Mr. LEWIS moved for the adoption of the 29th section. The yeas and nays being called for

Messrs. Brumfield, Hudspeth, Hynson,

Lewis, McRae, Porter, Prescott of St. Landry, Read, Scott of Baton Rouge, Sellers, Stephens, Taylor of St. Landry, Waddill and Wederstrandt voted in the affirmative—14 yeas; and

Messrs. Beatty, Benjamin, Broudousquie, Bourg, Brazeale, Brent, Briant, Burton, Cade, Cenas, Chambliss, Chinn, Conrad of Orleans, Covillion, Derbes, DuBouchel, Downs, Dunn, Eustis, Garrett, Garcia, Guion, Humble, King, Legendre, Marigny, Mayo, Mazureau, Peets, Roman, Scott of Madison, St. Amand, Soule, Taylor of Assumption, Voorhies, Wadsworth, Winder and Winchester voted in the negative—38 nays; consequently said motion was lost, and the section rejected.

Mr. CHINN offered the following additional section, viz:

SEC. —. The legislature shall have power, whenever the interest of the State may require it, to create courts of probates in each parish, or such other tribunals as may be calculated to insure a faithful protection and administration of estates.

Mr. BRENT moved to amend said section by adding to the end of the same the following, viz:

"The judges of said courts shall be elected by the qualified voters in each parish."

Mr. GARRETT moved that the section and amendment be laid on the table indefinitely. The yeas and nays being called for,

Messrs. Benjamin, Broudousquie, Brazeale, Brumfield, Burton, Cade, Conrad of Orleans, Cenas, Downs, Eustis, Garrett, Hudspeth, Humble, Hynson, Lewis, McRae, Peets, Prescott of St. Landry, Read, Scott of Baton Rouge, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wadsworth and Wederstrandt voted in the affirmative—28 yeas; and

Messrs. Beatty, Bourg, Brent, Bryant, Chambliss, Chinn, Covillion, Derbes, DuBouchel, Dunn, Garcia, Guion, King, Ledoux, Legendre, Marigny, Mayo, Mazureau, Porter, Pugh, Roman, Soule, Taylor of Assumption, Winchester and Winder voted in the negative; 25 nays; consequently said motion was carried.

Mr. BROUDOUSQUIE gave notice that he will on to-morrow move to reconsider the vote laying on the table indefinitely the above section.

On motion, the following additional section, offered by Mr. Conrad of Orleans, was taken up, viz:

"Taxation shall be equal and uniform throughout the State."

On motion, the following section, offered by Garrett, and which had been laid on the table subject to call, and to be taken up together with the above section, was taken up, viz:

"All property subject to taxation in this State shall be taxed in proportion to its value, to be ascertained by law. No one species of property from which a tax may be collected, shall be taxed any higher than another species of property of equal value, subject to taxation."

Mr. GARRETT moved to amend said section by adding at the end of the same the following proviso, viz:

Provided, that the legislature shall have power to tax merchants, hawkers, pedlers, privileges or incomers in such a manner as may from time to time be prescribed by law.

Mr. TAYLOR of Assumption offered as a substitute for the whole, the following, viz:

"The revenue of the State, derived from taxation, shall be assessed equally upon all the property of the State, according to its value, to be ascertained in such manner as the legislature shall direct, so that the same shall be equal and uniform throughout the State. No one species of property shall be taxed higher than any other species of property of equal value."

Pending the discussion on said substitute the Convention adjourned till to-morrow at 9 o'clock, a. m.

NOTE. —Members absent: Messrs. Beatty, O'Bryan, Penn, Prescott of Avoyelles, Prudhomme, Saunders, Scott of Feliciana, absent on leave; Messrs. Carriere, Porche and Wikoff absent on account of illness; and Messrs. Benjamin, Brumfield Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Eustis, Garcia, Grymes, Kenner, King, Labauve, McCallop, Marigny, Mazureau, Ratliff, Roselius, St. Amand, Splane, Soule, Trist, Wadsworth and Winchester did not answer to their names at the call of the House.

TUESDAY, May, 6, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. WARREN opened the proceedings with prayer.

The Secretary reported the receipt of the printers for the report of the debates of the 22d and 23d April.

Mr. PORTER gave notice that he will, on to-morrow, move to reconsider the vote adopting the section offered by Mr. Taylor of Assumption, in relation to the acquisition of residence in this State.

Mr. WINDER submitted the following resolution, viz:

Resolved, That from and after three o'clock this day no new provision shall be offered, except by way of amendment, unless the Convention shall give its consent thereto by a vote of two-thirds of the members present.

Mr. SCOTT of Baton Rouge, moved to amend said resolution by adding at the end of the same the following, viz:

And that the Convention shall adjourn *sine die*, on Saturday next at three o'clock p. m. Which amendment was accepted by Mr. Winder.

Mr. WINDER moved for the adoption of the resolution as amended.

Mr. DUNN moved for a division of the question, that is, to take the vote on the first proposition, viz:

Resolved, That from and after three o'clock this day, no new provision shall be offered, except by way of amendment.

On motion, the first proposition was adopted, viz:

Unless the Convention shall give its consent thereto, by a vote of two-thirds of the members present.

On the motion to adopt the third proposition, viz:

And that the Convention shall adjourn, *sine die*, on Saturday next, at three o'clock, p. m.

The yeas and nays being called for, Messrs. Beatty, Bourg, Brazeale, Briant, Burton, Cade, Chambliss, Chinn, Dunn, Guion, Hynson, King, Lewis, McRae, Mayo, Pugh, Scott of Baton Rouge, Scott of Madison, Taylor of Assumption, Taylor of St. Landry, Voorhies, Waddill, Winchester and Winder voted in the affirmative—24 yeas; and

Messrs. Boudousquie, Brent, Brumfield, Carriere, Cénas, Claiborne, Conrad of Orleans, Culbertson, Dêrbes, Dubouchel, Downs, Garrett, Hudspeth, Humble, Ledoux, Legendre, Mazureau, Peets, Porter, Preston, Read, Roman, Saunders, Sellers, Splane, Stephens and Wederstrandt voted in the negative—27 nays; consequently said motion was lost, and the latter clause was rejected.

On motion, the section as amended was adopted, viz:

Resolved, That from and after three o'clock this day, no new provision shall be offered, except by way of amendment, unless the Convention shall give its consent thereto, by a vote of two-thirds of the members present.

Mr. GUION submitted the following resolution:

Resolved, That after the constitution has passed through its second reading, it shall be taken, section by section, for a third reading; at which time no amendment which may be offered shall be adopted, unless by a majority of the members elected to the Convention, or by a greater number of votes than were given for the section at the first reading. No debates shall take place, and no remarks shall be permitted, but such as may be strictly necessary to explain the object of the amendment; and after all the sections shall have been acted on, the question shall be put on the final passage of the constitution.

On motion of Mr. CADE, the rules were dispensed with, in order to take up the above resolution; and the same being taken up, was adopted.

Mr. TAYLOR of Assumption, offered the following section, viz:

The legislature shall devise and establish a system of common schools for the education of all the children of the citizens of the State, and shall provide at least three-fourths of the funds necessary for the support thereof, by a tax on property.

Mr. TRIST gave notice that he would at twelve o'clock to-day, move to reconsider the vote forming one senatorial district of the parishes of St. James and Ascension, with two senators.

Mr. CLAIBORNE gave notice that he will to-day at one o'clock, move to reconsider the vote adopting the section offered by

Mr. Porter, making all parish officers elective.

Mr. TAYLOR of Assumption, submitted the following section, viz:

At the general election, in the year —, and every — year thereafter, a poll shall be opened and taken in every election district in the State, as to the expediency of calling a Convention; and in the event a majority of all the qualified electors in the State shall vote in calling a Convention, the general assembly shall, at their next session, call a Convention, to consist of as many members as there shall be representatives in the house of representatives, to be chosen in the same manner and proportion as the said representatives, at the general election next thereafter ensuing, and to meet within six months after their election, for the purpose of re-adopting, amending or changing this constitution.

A question of order being raised, viz:

Whether the above section was not in direct conflict with the section adopted in the article providing, for the mode of revising the constitution, and consequently out of order.

Mr. LABAUVE in the chair, decided that the section was in order.

Mr. TAYLOR of Assumption, appealed from the decision of the chair.

Which decision was sustained.

Mr. GUION moved to lay said section on the table indefinitely.

The yeas and nays being called for,

Messrs. Beatty, Benjamin, Boudousquie, Brumfield, Burton, Cade, Carriere, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Dubouchel, Dunn, Eustis, Guion, Hudspeth, Kenner, King, Legendre, Lewis, McCallop, Marnigny, Mazureau, Roman, Sellers, Stephens, Voorhies, Wadsworth, Winchester and Winder voted in the affirmative—32 yeas; and

Messrs. Brazeale, Brent, Briant, Chambliss, Covillion Culbertson, Downs, Garrett, Humble, Hynson, Ledoux, McRae, Mayo, Peets, Porter, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Taylor of Assumption, Trist, Waddill and Wederstrandt voted in the negative—27 nays; consequently said motion was carried.

Mr. WADDILL submitted the following section, and the same was laid on the table subject to call, viz:

No person shall be imprisoned for debt, in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

On motion of Mr. LEDOUX, the fifth section of the general provisions was reconsidered; and the same was taken up, viz:

SEC. 5. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money for the support of an army, be made for a longer term than one year. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be provided by law.

Mr. LEDOUX moved to amend said section by striking out, commencing in the third line, the words "for the support of an army," and insert in the fifth line the word "two," instead of "one," which motion prevailed.

On motion, the section as amended was adopted, viz:

SEC. 5. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

Agreeably to notice, Mr. SELLERS moved to reconsider the vote adopting the eighth section of the legislative article, which motion was lost.

It being twelve o'clock, Mr. TRIST moved to reconsider the vote forming one senatorial district of the parishes of St. James and Ascension, with two senators.

The yeas and nays being called for,

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Dubouchel, Downs, Eustis, Humble, Hynson, Ledoux, McCallop, McRae, Marigny, Mayo, Peets, Porter, Preston, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Taylor of Assumption, Trist, Voorhies,

Waddill, Wederstrandt and Winder voted in the affirmative—34 yeas; and

Messrs. Benjamin, Boudousquie, Bourg, Briant, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Mazureau, Pugh, Roman, St. Amand, Saunders Sellers and Winchester voted in the negative—26 nays; consequently said motion was carried, and the senatorial district composed of the parishes of St. James and Ascension, with one senator, was taken up.

Mr. TRIST moved to amend said district as follows, viz:

"The parish of St. James shall compose one district, with one senator.

"The parish of Ascension shall compose one district, with one senator."

Which amendment was adopted, and the section as amended was re-adopted.

Agreeably to notice, Mr. BRENT moved to reconsider the vote adopting the third section of the judiciary.

The yeas and nays being called for,

Messrs. Bourg, Brazeale, Brent, Brumfield, Burton, Cadè, Carriere, Chambliss, Covillion, Dunn, Hudspeth, Humble, Hynson, Lewis, McCallop, McRae, Mayo, Peets, Porter, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens and Waddill voted in the affirmative—28 yeas; and

Messrs. Beatty, Benjamin, Boudousquie, Briant, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dubouchel, Eustis, Garrett, Guion, Kenner, King, Labauve, Ledoux, Legendre, Marigny, Mazureau, Pugh, Roman, St. Amand, Soulé, Splane, Taylor of Assumption, Trist, Voorhies, Wederstrandt, Winchester and Winder voted in the negative—33 nays; consequently said motion was lost.

Mr. CLAIBORNE moved to reconsider the vote adopting the section offered by Mr. Porter, making all parish officers not provided for in this constitution, elective. The yeas and nays being called for,

Messrs. Beatty, Benjamin, Boudousquie, Brazeale, Briant, Burton, Cade, Carriere, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dubouchel, Eustis, Gar-

rett, Guion, Humble, Hynson, Kenner, Labauve, Ledoux, Legendre, McCallop, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Roman, Saunders, Scott of Baton Rouge, Scott of Madison, Sellers, Soulé, Splane, Taylor of Assumption, Trist, Voorhies, Wederstrandt Winchester and Winder voted in the affirmative—46 yeas; and

Messrs. Bourg, Brent, Brumfield, Covillion, Dunn, Hudspeth, Lewis, McRae, Preston, Read, St. Amand, Scott of Feliciana, Stephens, and Waddill voted in the negative—14 nays; consequently said motion was carried and the section taken up, viz:

All parish officers not otherwise provided for by this constitution, shall be elected by the qualified electors of the different parishes, in such manner as shall be prescribed by law.

Mr. CLAIBORNE moved to amend said section by adding at the end of the same the following proviso, viz:

Provided, that the mode of appointment and the tenure of office of all officers in the parish of Orleans shall remain as heretofore, unless otherwise provided by the legislature.

Mr. BOUDOUSQUIE moved to amend said proviso by inserting after the word "Orleans" the words "German coast."

The yeas and nays being called for,

Messrs. Boudousquie, Briant, Chinn, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Hudspeth, Kenner, Legendre, Lewis, Roman, St. Amand, Sellers, Taylor of Assumption, Wadsworth and Winchester voted in the affirmative—18 yeas; and

Messrs. Beatty, Benjamin, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Céas, Chambliss, Claiborne, Conrad of Orleans, Covillion, Downs, Dubouchel, Eustis, Garrett, Guion, Humble, Hynson, Labauve, Ledoux, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé Splane, Stephens, Trist, Voorhies, Waddill, Wederstrandt and Winder voted in the negative—44 nays; consequently said motion was lost.

Mr. KENNER moved to amend said proviso by adding at the end of the same, the following amendment, viz:

And that the register of conveyances, register of mortgages, and notaries public for the State at large, shall be appointed as the legislature may direct.

The yeas and nays being called for,

Messrs. Beatty, Boudousquie, Bourg, Briant, Chinn, Conrad of Jefferson, Culbertson, Derbes, Garcia, Guion, Kenner, Labauve, Legendre, Lewis, Pugh, Roman, St. Amand, Saunders, Splane, Taylor of Assumption, Trist, Wadsworth, Winchester and Winder voted in the affirmative—24 yeas; and

Messrs. Benjamin, Brazeale, Brent, Brumfield, Burton, Cade, Céas, Chambliss, Claiborne, Conrad of Orleans, Covillion, Downs, Dubouchel, Dunn, Eustis, Garrett, Grymes, Hudspeth, Humble, Hynson, Ledoux, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Voorhies, Waddill and Wederstrandt, voted in the negative—40 nays; consequently said motion was lost.

Mr. CONRAD of Jefferson, moved to amend said proviso, by inserting after the word "Orleans" the words "and parish of Jefferson." The yeas and nays being called for,

Messrs. Boudousquie, Briant, Chinn, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Kenner, Legendre, Lewis, Pugh, Roman, St. Amand, Taylor of Assumption, Wadsworth and Winchester voted in the affirmative—17 yeas; and

Messrs. Beatty, Benjamin, Bourg, Brazeale, Brumfield, Burton, Cade, Céas, Chambliss, Claiborne, Conrad of Orleans, Covillion, Downs, Dubouchel, Eustis, Garrett, Grymes, Guion, Hudspeth, Humble, Hynson, Labauve, Ledoux, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Splane, Stephens, Voorhies, Waddill, Wederstrandt and Winder voted in the negative—45 nays; consequently said motion was lost.

Mr. CLAIBORNE moved for the adoption of the proviso. The yeas and nays being called for,

Messrs. Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Burton,

Cade, Céna's, Chambliss, Chinn, Claiborne, Conrad of Orleans, Derbes, Downs, Dubouchel, Eustis, Grymes, Guion, Humble, Hynson, Ledoux, Legendre, McCallop, Marigny, Mayo, Mazureau, Porter, Prescott of St. Landry, Pugh, Read, Roman, Saunders, Scott of Baton Rouge, Scott of Madison, Sellers, Soulé, Splane, Taylor of Assumption, Voorhies, Wadsworth, Wederstrandt, Winchester and Winder voted in the affirmative—46 yeas; and

Messrs. Conrad of Jefferson, Covillion, Culbertson, Dunn, Garcia, Hudspeth, King, Labauve, Lewis, McRae, Preston, St. Amand, Scott of Feliciana, Stephens and Waddill voted in the negative—15 nays; consequently said motion was carried, and the proviso adopted.

Mr. CLAIBORNE moved for the adoption of the section as amended, to wit:

All parish officers not otherwise provided for by this constitution, shall be elected by the qualified electors of the different parishes in such manner as shall be prescribed by law; provided, that the mode of appointment and tenure of office of all the officers in the parish of Orleans shall remain as heretofore, unless otherwise provided by the legislature.

The yeas and nays being called for,

Messrs. Benjamin, Brazeale, Brent, Brumfield, Burton, Cade, Céna's, Chambliss, Chinn, Claiborne, Conrad of Orleans, Downs, Dubouchel, Eustis, Humble, Hynson, Ledoux, Legendre, McCallop, McRae, Marigny, Mayo, Mazureau, Porter, Prescott of St. Landry, Preston, Pugh, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soulé, Stephens, Trist, Voorhies, Wederstrandt and Winchester voted in the affirmative—39 yeas, and

Messrs. Beatty, Boudousquie, Bourg, Briant, Conrad of Jefferson, Covillion, Culbertson, Derbes, Dunn, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Lewis, Roman, St. Amand, Splane, Taylor of Assumption, Waddill, Wadsworth, and Winder voted in the negative—23 nays; consequently said motion was carried and the section was adopted.

Mr. WINCHESTER gave notice that he will on to-morrow move to reconsider the vote adopting the above section.

Agreeably to notice Mr. MARIGNY moved to reconsider the vote removing the seat

of government from the city of New Orleans. The yeas and nays being called for,

Messrs. Benjamin, Brent, Briant, Céna's, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dubouchel, Eustis, Garrett, Humble, King, Legendre, Marigny, Mayo, Mazureau, Porter, Prescott of St. Landry, Preston, Roman, Scott of Madison, Soulé and Voorhies voted in the affirmative—26 yeas; and

Messrs. Beatty, Boudousquie, Bourg, Brazeale, Brumfield, Burton, Cade, Chambliss, Chinn, Covillion, Dunn, Garcia, Guion, Hudspeth, Hynson, Kenner, Labauve, Lewis, McCallop, McRae, Peets, Pugh, Read, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Waddill, Wederstrandt, Winchester and Winder voted in the negative—36 nays; consequently said motion was lost.

Mr. WADDILL called up the section offered by him, viz:

No person shall be imprisoned for debt, in any action, or any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

Mr. GARRETT moved to lay said section on the table indefinitely. The yeas and nays being called for,

Messrs. Beatty, Boudousquie, Brazeale, Brumfield, Burton, Cade, Céna's, Chambliss, Conrad of Orleans, Conrad of Jefferson, Covillion, Downs, Garrett, Hudspeth, Humble, Kenner, King, Labauve, Legendre, Lewis, McCallop, Mayo, Peets, Pugh, Roman, Saunders, Scott of Feliciana, Sellers, Stephens, Taylor of St. Landry, Voorhies, Winchester and Winder voted in the affirmative—33 yeas; and

Messrs. Benjamin, Bourg, Brent, Chinn, Claiborne, Culbertson, Derbes, Dubouchel, Dunn, Eustis, Garcia, Hynson, McRae, Marigny, Porter, Prescott of St. Landry, Read, Scott of Baton Rouge, Scott of Madison, Soulé, Taylor of Assumption, Trist, Waddill and Wederstrandt voted in the negative—24 nays; consequently said motion was carried.

ORDER OF THE DAY.

Additional section of Mr. CONRAD of New Orleans, viz :

"Taxation shall be equal and uniform throughout the State."

To which Mr. GARRETT offered the following amendment, viz :

"All property subject to taxation in this State shall be taxed in proportion to its value, to be ascertained by law. No one species of property from which a tax may be collected, shall be taxed higher than another species of property of equal value and subject to taxation."

Provided, the legislature shall have power to tax merchants, hawkers, pedlers, privileges or incomes, in such manner as may from time to time be prescribed by law.

The question under consideration at the adjournment, was the following substitute, offered by Mr. Taylor of Assumption, viz:

The revenue of the State derived from taxation shall be assessed equally upon all the property of the State, according to its value, ascertained in such manner as the legislature shall direct, so that the same shall be equal and uniform throughout the State. No one species of property shall be taxed higher than another species of property of equal value.

Mr. EUSTIS moved to lay the amendment and substitute on the table indefinitely.

Mr. PORTER moved for a division of the question, that is, to take the vote on the substitute; which motion prevailed.

The yeas and nays being called for on the motion of Mr. Eustis, to lay the substitute on the table indefinitely, resulted as follows :

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Chambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Dubouchel, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Legendre, Lewis, McCallep, McRae, Marigny, Mayo, Peets, Porter, Prescott of St. Landry, Read, Roman, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Voorhies, Wederstrandt and Winder voted in the affirmative—39 yeas; and

Messrs. Bourg, Briant, Cade, Garcia, King, Mazureau, Preston, Scott of Baton Rouge, Taylor of Assumption, Taylor of St. Landry, Trist, Waddill, Wadsworth and Winchester voted in the negative—14 nays; consequently said motion was carried.

Mr. WINDER submitted the following resolution, viz :

Resolved, That this Convention shall hold evening sessions during the remainder of the session, and that the secretary have power to employ such additional clerk or clerks as he may deem necessary for keeping up the proceedings.

On motion, the Convention adjourned till to-morrow, at 9 o'clock, a. m.

NOTE.—Members absent : Messrs. Downs, Penn, Prescott of Avoyelles, Prudhomme and Scott of Feliciana absent on leave; Messrs. Porche, Carriere and Wikoff absent on account of illness; and Messrs. Aubert, Benjamin, Cénas, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Garcia, Grymes, Guion, Kenner, King, Labauve, Ledoux, McCallop, Marigny, Ratliff, Saunders, Roselius, Soulé, Taylor of Assumption, Trist and Wadsworth did not answer to their names at the call of the roll.

NOTE.—Members absent at the call of the house: Messrs. Conrad of Jefferson, Grymes, Ledoux, Peets, Ratliff, Roselius and Wadsworth did not answer to their names.

WEDNESDAY, May 7, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings with prayer.

Mr. WINDER having voted in the majority, gave notice, that he will on to-morrow move to re-consider the vote forming one senatorial district of the city of New Orleans.

Mr. VOORHIES was excused for non-attendance on account of illness in his family.

On motion of Mr. WINCHESTER the taking of the vote on the motion to reconsider the vote adopting the section making all parish officers not otherwise provided for by this constitution, elective, was postponed until 12 o'clock this day.

On motion of Mr. TAYLOR of Assumption the taking of the vote on the motion to reconsider the vote adopting the proviso excepting New Orleans from the section making all parish officers elective, was postponed until 12 o'clock this day.

Mr. ROMAN was excused from serving on the committee of enrollment, and the

President appointed Mr. Boudousquie in his stead.

ORDER OF THE DAY.

GENERAL PROVISIONS.

Additional section of Mr. Conrad of Orleans, viz:

Taxation shall be equal and uniform throughout the State.

Mr. GARRETT's amendment to the above, viz:

"All property subject to taxation in this State shall be taxed in proportion to its value, to be ascertained by law. No one species of property from which a tax may be collected, shall be taxed higher than another species of property of equal value and subject to taxation: *Provided*, that the legislature shall have the power to tax merchants, hawkers, pedlers, privileges or incomes in such manner as may from time to time be prescribed by law."

The question under consideration at the adjournment, was the motion of Mr. Eustis to lay the amendments on the table indefinitely.

Mr. GARRETT moved for a division of the question, that is, to act on each amendment separately.

Mr. EUSTIS then moved that the proviso be laid on the table indefinitely, viz:

Provided, the legislature shall have power to tax merchants, hawkers, pedlers, privileges or incomes, in such manner as may from time to time be prescribed by law. Which motion was lost.

Mr. EUSTIS then moved that the amendment be laid on the table indefinitely, viz:

"All property subject to taxation in this State shall be taxed in proportion to its value, to be ascertained by law. No one species of property, from which a tax may be collected, shall be taxed higher than another species of property of equal value and subject to taxation." Which motion was lost.

Mr. LEWIS moved to amend the amendment by striking out in the first line the words "subject to taxation," and insert in their stead the words "on which taxes shall be levied," and in the last line strike out the words "subject to taxation" and insert the words "on which taxes shall be levied." Which amendments were adopted.

Mr. LABAUVE moved to amend said amendment by inserting in the third line after the word "ascertained" the words "as

directed;" which amendment was adopted.

Mr. WADDILL moved to amend Mr. Conrad's section by adding after the word "State" the words "on all moveable and immoveable property;" which amendment was lost.

Mr. BENJAMIN offered as a substitute for the amendment of Mr. Garrett, the following, viz:

"All property on which taxes shall be levied in this State, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property from which a tax may be collected shall be taxed higher than another species of property of equal value on which taxes shall be levied."

Mr. WINCHESTER moved to amend said substitute by adding at the commencement of the same the words "after the year 1848;" which amendment was accepted by Mr. Benjamin and adopted.

Mr. BENJAMIN moved for the adoption of the substitute as amended, viz:

"After the year 1848, all property on which taxes shall be levied in this State, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property from which a tax may be collected, shall be taxed higher than any other species of property of equal value on which taxes shall be levied."

The yeas and nays being called for,

Messrs. Brazeale, Brent, Briant, Brumfield, Cade, Carriere, Chambliss, Covillion, Culbertson, Du Bouchel, Dunn, Garrett, Hudspeth, Humble, Hynson, Kenner, King, Lewis, McRae, Peets, Porter, Prescott of St. Landry, Preston, Prudhomme, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt and Wikkoff voted in the affirmative—36 yeas; and

Messrs. Aubert, Beatty, Bourg, Benjamin, Burton, Cénas, Chinn, Claiborne, Derbes, Downs, Eustis, Guion, Labauve, Legendre, Marigny, Mayo, Pugh, Roman, St. Amand, Sellers, Wadsworth, Winchester and Winder voted in the negative—24 nays; consequently said motion was carried.

Mr. BENJAMIN offered as a substitute to the proviso, the following, viz:

"*Provided*, that the legislature shall have power to levy an income tax, and to

tax all persons pursuing any occupation, trade or profession."

On motion said substitute was adopted.

Mr. GARRETT moved for the adoption of the section as amended. The yeas and nays being called for,

Messrs. Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Conrad of Jefferson, Covillion, Culbertson, DuBouchel, Garrett, Hudspeth, Humble, Hynson, Kenner, King, Lewis, McRae, Peets, Porter, Prescott of St. Landry, Preston, Prudhomme, Read, Roselius, Scott of Baton Rouge, Scott of Madison, Scott of Feliciana, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt and Wikoff, voted in the affirmative; 40 yeas; and

Messrs. Aubert, Beatty, Benjamin, Cenas, Chinn, Claiborne, Derbes, Downs, Eustis, Grymes, Guion, Labauve, Ledoux, Legendre, Mayo, Mazureau, Pugh, Roman, St. Amand, Sellers, Wadsworth, Winchester and Winder voted in the negative—23 nays; consequently said motion was carried, and the section as amended was adopted, viz:

"Taxation shall be equal and uniform throughout the State. After the year 1848 all property on which taxes shall be levied in this State, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property from which a tax may be collected, shall be taxed higher than another species of property of equal value, on which taxes shall be levied. *Providid*, that the legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession."

It being the hour of twelve o'clock, Mr. WINCHESTER moved to reconsider the vote adopting the section making all parish officers elective. The yeas and nays being called for,

Messrs. Aubert, Beatty, Bourg, Briant, Carriere, Chinn, Conrad of Jefferson, Culbertson, Derbes, Dunn Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Preston, Pugh, Roman, St. Amand, Saunders, Taylor of Assumption, Taylor of St. Landry, Waddill, Wikoff, Winchester and Winder voted in the affirmative—28 yeas; and

Messrs. Benjamin, Brazeale, Brumfield, Brent, Burton, Cade, Cenas, Chambliss,

Claiborne, Covillion, DuBouchel, Eustis, Grymes, Humble, Hynson, Ledoux, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Prudhomme, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stepens, Trist, Voorhies and Wederstrandt voted in the negative—35 nays; consequently said motion was lost.

This being the hour fixed, Mr. TAYLOR of Assumption moved to reconsider the vote adopting the proviso which excepts New Orleans from the provisions of the section making all parish officers elective. The yeas and nays being called for,

Messrs. Aubert Briant, Chinn, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, McRae, Preston, Pugh, Saunders, Scott of Feliciana, Taylor of Assumption, Taylor of St. Landry, Waddill, Wikoff, Winchester and Winder voted in the affirmative—26 yeas; and

Messrs. Beatty, Benjamin, Bourg, Brazeale, Brent, Brumfield, Burton, Carriere, Cade, Cenas, Chambliss, Claiborne, DuBouchel, Downs, Eustis, Grymes, Humble, Hynson, Ledoux, McCallop, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Prudhomme, Read, Roman, Roselius, Scott of Baton Rouge, Scott of Madison, Sellers, Stephens, Trist, Voorhies and Wederstrandt voted in the negative—37 nays; consequently said motion was lost.

On motion of Mr. LEDOUX the following section was taken up, viz:

"There shall be appointed by the governor, with the advice and consent of the senate, an auditor, whose duty it shall be to examine and approve all accounts before they are paid by the treasurer. He shall assist the legislature in examining the accounts of the treasurer, and perform all other duties which may be required of him by law."

On motion of Mr. BENJAMIN, said section was laid on the table indefinitely.

Agreeably to notice, Mr. SELLERS moved to reconsider the sixth section of the legislative article.

The yeas and nays being called for,

Messrs. Aubert, Beatty, Brazeale, Brent, Briant, Brumfield, Chambliss, Downs,

Dunn, Guion, Hynson, Kenner, King, McCallop, Porter, Prescott of St. Landry, Pugh, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Taylor of St. Landry, Waddill, Wikoff and Winchester voted in the affirmative—25 yeas; and

Messrs. Benjamin, Burton, Cade, Carriere, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, DuBouchel, Eustis, Garrett, Grymes, Hudspeth, Humble, Labauve, Ledoux, Legendre, Lewis, McRae, Marigny, Mayo, Mazureau, Peets, Preston, Prudhomme, Roman, Roselius, Scott of Baton Rouge, Stephens, Taylor of Assumption, Voorhies, Wadsworth and Wederstrandt voted in the negative—37 nays; consequently said motion was lost.

The rules being dispensed with, Mr. TAYLOR of Assumption moved to reconsider the twenty-third section of the legislative article.

The yeas and nays being called for,

Messrs. Brent, Briant, Chinn, Claiborne, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, Guion, McRae, Porter, Preston, Roman, Taylor of Assumption, Waddill, Wadsworth and Winchester voted in the affirmative—18 yeas; and

Messrs. Aubert, Beatty, Brazeale, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Conrad of Orleans, DuBouchel, Dunn, Eustis, Garrett, Grymes, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Lewis, McCallop, Marigny, Mayo, Mazureau, Peets, Prescott of St. Landry, Prudhomme, Read, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, Voorhies, Wederstrandt, Wikoff and Winder voted in the negative—45 nays; consequently said motion was lost.

First congressional district:

From the parish of Plaquemines,	1
take one member,	
From the third municipality of New Orleans,	1
From the first municipality of New Orleans,	1—3

Second congressional district:

From the second municipality of New Orleans, take	2
From the parish of Jefferson,	1
“ “ Assumption,	1

From the parish of Lafourche Interior, 1—5

Third congressional district:

From the parish of Iberville, take	1
“ “ East Baton Rouge,	1
“ “ East Feliciana,	1
“ “ West Feliciana,	1—4

Fourth congressional district:

From the parish of St. Martin, take	1
“ “ St. Mary,	1
“ “ Lafayette,	1
“ “ St. Landry,	1
“ “ Avoyelles,	1
“ “ Rapides,	1
“ “ Natchitoches,	1
“ “ Catahoula and Claiborne,	1—8

Total, 20

From 98 deduct 20—78 members of the house of representatives.

Mr. CONRAD moved for the adoption. The yeas and nays being called for,

Messrs. Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Preston, Saunders, Sellers, Waddill and Winchester voted in the affirmative—13 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Covillion, DuBouchel, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Ledoux, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Prudhomme, Pugh, Roman, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Wadsworth, Wederstrandt, Wikoff and Winder voted in the negative—52 nays; consequently said motion was lost.

On motion of Mr. DUNN, the report of the committee on the bill of rights, was taken up, viz:

The committee appointed to report a bill of rights, beg leave to represent, that they have had the same under consideration, and believing as they do, that in all republican governments, and especially in the organic laws thereof, that a frequent recurrence to first principles is both necessary and proper, we therefore respectfully recommend and submit to your consideration, the following bill of rights, to wit:

That the great and essential principles

of liberty and free government may be recognized and unalterably established, we, the representatives of the people of the State of Louisiana, declare—

SEC. 1. That all freemen, when they form a social compact, are equal, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people; all free governments are founded on their authority, and instituted for their peace, safety and happiness, public officers are their trustees and servants, and at all times amenable to them; of all forms of government that is best which is capable of producing the greatest degree of happiness and safety to the greatest number of persons, and is most effectually secured against the dangers of mal-administration, and when any form of government shall be found inadequate, or contrary to those purposes, a majority of the community have an unalienable and indefeasible right to reform, alter or abolish their form of government in such manner as they may think most conducive to the public weal.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect or support any place of worship, or to maintain any minister or priest, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment, or mode of worship.

SEC. 4. That no religious test shall ever be required as a qualification to any office or public trust under this State.

SEC. 5. That elections shall be free and equal.

SEC. 6. That the right of trial by jury shall remain inviolate.

SEC. 7. That the people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and that general warrants whereby an officer may be commanded to search suspected places without evidence of the

fault committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SEC. 8. That no free man shall be taken or imprisoned, or deseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but in pursuance of the judgment of his peers, or the law of the land.

SEC. 9. That no person shall, for the same offence, be twice put in jeopardy of life or liberty.

SEC. 10. That excessive bail shall not be required, nor excessive fines imposed, no cruel and unusual punishments inflicted.

SEC. 11. That all courts shall be open; and every man for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. [Suits may be brought against the State in such manner and in such courts as the legislature may by law direct.

SEC. 12. That the person of a debtor, when there is not strong presumption of fraud, shall not be confined in prison after the delivery up of his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

SEC. 13. That the printing press shall be free to every person who undertakes to examine the proceedings of the legislature, or of any branch or officers of the government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak and write and print on any subject, being responsible for the abuse of that liberty. But in prosecuting for the publication of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments or prosecutions for libels, the jury shall have a right to determine the law and the facts under the direction of the court, as in other criminal cases.

SEC. 14. That no retrospective law, or law impairing the obligation of contracts, shall be made.

SEC. 15. That no man's particular vices shall be demanded, or property taken or applied to public use, without the consent of his representative, or without just compensation being made therefor.

SEC. 16. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

SEC. 17. That the citizens have a right in a peaceable manner to assemble together for the common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by address or remonstrance.

SEC. 18. That the sure and certain defence of a free people is a well regulated militia, and as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases, the military shall be kept in strict subordination to the civil authority.

SEC. 19. That the free white men of this State have a right to keep and bear arms in defence of themselves and the State.

SEC. 20. That an equal participation of the navigation of the Mississippi river is one of the inherent rights of the citizens of this State; it cannot therefore be conceded to any prince, potentate, power, person or persons whatever.

SEC. 21. That no hereditary emoluments, privileges or honors shall ever be granted or conferred in this State.

SEC. 22. That the legislature shall have power to extend this constitution, and the jurisdiction of this State over all territory claimed at this time by the State of Louisiana, or which may hereafter be ascertained to be within her limits, or over any territory acquired by compact with any State, or with the United States, the same being done by consent of the United States.

Mr. BEATTY moved that said report be laid on the table indefinitely.

Mr. BEATTY moved for the previous question; the yeas and nays being called for, shall the main question be now put,

Messrs. *Aubert, Benjamin, Bourg, Brazeale, Burton, Cade, Carriere, Chambliss, Conrad of Orleans, Conrad of Jefferson, Covillion, Derbes, Downs, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, King,*

Labauve, Ledoux, Legendre, Lewis, McCallop, Mayo, Mazureau, Pugh, Roman, St. Amand, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, Trist, Voorhies, Wikoff, Winchester and Winder voted in the affirmative—41 yeas; and

Messrs. *Brumfield, Cènas, Claiborne, Culbertson, DuBouchel, Dunn, Garcia, McRae, Marigny, Peets, Porter, Prescott of St. Landry, Preston, Prudhomme, Read, Roselius, Saunders, Scott of Baton Rouge, Taylor of Assumption and Waddill* voted in the negative—20 nays; consequently said motion was carried.

The yeas and nays being called for, on the motion to lay said report on the table indefinitely, resulted as follows:

Messrs. *Aubert, Beatty, Bourg, Burton, Carriere, Chambliss, Conrad of Orleans, Conrad of Jefferson, Derbes, Downs, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, Mayo, Pugh, Roman, St. Amand, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wikoff, Winchester and Winder* voted in the affirmative—35 yeas; and

Messrs. *Brazeale, Brent, Cade, Cénas, Claiborne, Covillion, Culbertson, DuBouchel, Dunn, Humble, Hynson, McCallop, McRae, Marigny, Porter, Prescott of St. Landry, Preston, Prudhomme, Read, Roselius, Saunders, Scott of Baton Rouge, Trist and Waddill* voted in the negative—24 nays; consequently said motion was carried.

On motion, the preamble of the constitution was taken up, viz :

"We, the people of the State of Louisiana, by our representatives in Convention assembled, in order to secure to the citizens thereof the enjoyments of the rights of life, liberty and property, and of pursuing happiness, do order and establish the following constitution and civil form of government."

Mr. EUSTIS moved to lay the same on the table indefinitely, which motion was lost.

Mr. TAYLOR of Assumption offered as a substitute for the preamble, the following, viz :

"We, the people of the State of Louisiana, do ordain and establish the following

constitution, for the government of ourselves and our posterity."

Mr. BEATTY moved to amend said substitute, by striking out the words "and our posterity;" which motion prevailed.

On motion of Mr. PORTER, said substitute was laid on the table indefinitely.

Mr. DOWNS offered the following substitute, and the same was adopted, viz :

PREAMBLE.

"We, the people of the State of Louisiana, do ordain and establish the following Constitution."

On motion of Mr. DUNN, the report of the committee on education was taken up, viz :

SEC. 1. The governor shall nominate, and by and with the advice and consent of the senate, appoint a superintendent of education, who shall hold his office for two years; whose duties shall be prescribed by law, and who shall receive such compensation as the legislature may direct.

SEC. 2. The legislature shall encourage the institution of common schools throughout the State, for the promotion of literature and the arts and sciences, and shall provide means for that purpose and for their support.

SEC. 3. The proceeds of all lands that have been or hereafter may be granted by the United States to this State for the use or support of schools, and of all lands that have been or may hereafter be granted by the United States, or by any person or persons, body politic or corporate, to this State, and not granted expressly for any other purpose, which shall hereafter be sold or disposed of, and all estates of deceased persons to which the State may be or hereafter become entitled by law, shall be held by the State as a loan; and shall be and remain a perpetual fund, on which the State shall pay an annual interest of

per cent. ; which interest together with all the rents of the unsold lands, shall be inviolably appropriated to the support of such schools and institutions of learning throughout the State, until the rents or interest, or both together, shall amount to the sum of per annum; after which, the annual excess of such rents and interest may be applied by the legislature to other objects.

SEC. 4. The fund arising from the rents or sales which may hereafter be made, of

any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and of any land that may hereafter be granted for that purpose, and any interest that may accrue upon such funds, shall be inviolably applied to the use specified, or that may be specified in the grant.

And your committee recommend the adoption of the following resolution:

Resolved, That our representatives and senators in congress be requested to use their best efforts to procure the passage of a law granting to this State, the unsold lands within this State belonging to the United States, or as large a portion thereof as possible, for the purpose of education; and to co-operate, if necessary, to effect that object with the representatives and senators in congress from other States.

Mr. EUSTIS, of the committee on education, submitted the following, viz:

An university shall be established in the city of New Orleans. It shall be composed of four faculties, to wit: One of law, one of medicine, one of the natural sciences, and one of letters.

It shall be called the University of Louisiana; and the Medical College of Louisiana, as at present organized, shall constitute the faculty of medicine.

The legislature shall provide by law for its further organization and government.

Mr. KENNER offered as a substitute for the second section the following, viz:

"The legislature shall establish throughout the State a system of free schools, for the education of all the children of the people of the State, and shall provide the means for that purpose, and for their support."

Mr. LEWIS offered as a substitute for the whole, the following, viz:

"SEC. — The legislature shall establish free schools throughout the State, and shall provide means for their support. The proceeds of all lands that have been, or hereafter may be granted by the United States to this State for the use or support of schools, and of all lands that may hereafter be granted by the United States, or by any person or persons, body politic or corporate, to this State, and not granted expressly for any other purpose, which shall hereafter be sold or disposed of, and

all estates of deceased persons to which the State may be or hereafter become entitled by law, shall be held by the State as a loan; and shall be and remain a perpetual fund, on which the State shall pay an annual interest of per cent. ; which interest, together with all the rents of the unsold lands, shall be inviolably appropriated to the support of such schools.

SEC. — The fund arising from the rents or sales which have been, or may hereafter be made, of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and of any land that may hereafter be granted for that purpose, and any interest that may accrue upon such funds, shall be inviolably applied to the use specified, or that may be specified in the grant.

Mr. KENNER moved to amend said substitute by inserting in the second line after "free," the word "public," which amendment was adopted.

Mr. GARCIA gave notice that he will on Friday next move to reconsider the vote adopting the section on duelling in this State.

Mr. PRESTON then moved to lay the report on education and all the amendments on the table indefinitely. The yeas and nays being called for,

Messrs. Aubert, Brazeale, Brumfield, Burton, Guion, Hudspeth, Lewis, McCallop, Preston, Pugh and Waddill voted in the affirmative—11 yeas; and

Messrs. Beatty, Cade, Cenas, Chambliss, Conrad of Jefferson, Derbes, Dunn, Eustis, Garcia, Garrett, Humble, Hynson, Kenner, King, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Read, Roman, Roselius, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Stephens, Taylor of Assumption, Taylor of St. Landry, Wederstrandt, Wikoff, Winchester and Winder voted in the negative—32 nays; consequently said motion was lost.

On motion of Mr. KENNER the first section of said report was laid on the table indefinitely, viz:

SEC. 1. The governor shall nominate, and by and with the advice and consent of the senate, appoint a superintendent of education, who shall hold his office for two years, whose duties shall be prescribed by law, and who shall receive such compensation as the legislature may direct.

Mr. DUNN gave notice that he will move to reconsider the vote laying said section on the table indefinitely.

Mr. KENNER accepted the substitute of Mr. Lewis, and moved its adoption.

Pending the discussion on said motion, the Convention adjourned until to-morrow at nine o'clock, a. m.

NOTE. Members absent: Messrs. O'Bryan, Penn, Prescott of St. Landry and Prudhomme absent on leave; Mr. Porche absent on account of illness, and Messrs. Benjamin, Broudousquie, Cade, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Downs, Dunn, Eustis, Garcia, Grymes, Guion, King, Labauve, Ledoux, Marigny, Mazureau, Preston, Pugh, Ratliff, Roselius, St. Amand, Soule, Splane, Taylor of Assumption, Trist, Wadsworth, Wikoff and Winchester did not answer to their names at the call of the House.

THURSDAY, May 8, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. GOODRICH opened the proceedings with prayer.

The President submitted a letter of invitation from the president of the executive committee of the agricultural and mechanic association of the State of Louisiana, to attend at the annual fair which is to take place at the town of Baton Rouge, on the 12th inst.

On motion of Mr. DUNN said invitation was accepted.

Mr. EUSTIS, chairman of the committee of revision, submitted the following report, viz:

"The committee of revision report to the Convention that they consider it advisable to defer a further revision of the articles of the constitution until the unfinished business be transacted, and all the articles of the constitution be adopted at the first reading."

(Signed)

GEO. EUSTIS, Chairman.

On motion of Mr. CHINN said report was laid on the table, subject to call.

Mr. WINDER withdrew the notice he had given to move for the reconsideration of the vote forming one senatorial district of the city of New Orleans.

On motion of Mr. TAYLOR of Assump-

tion the rules were dispensed with, in order that all motions for reconsideration be taken up to-day at twelve o'clock, m.

Mr. WADDILL offered the following resolution, and the rules being dispensed with, the same was adopted—viz:

“No new motion for reconsideration shall be allowed after twelve o'clock, m. this day, unless by a concurrence of three-fourths of all the members of this Convention.”

Mr. HUMBLE gave notice that he will move to reconsider the vote adopting the section removing the seat of government from the city of New Orleans.

Mr. PORTER moved that the rules be dispensed with in order to call up the 27th section of the bill of rights; which motion was lost.

ORDER OF THE DAY.

Substitute of Mr. LEWIS on education; viz:

SEC. 1. The legislature shall establish free public schools throughout the State, and shall provide means for their support.

SEC. 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this State for the use or support of schools, and of all lands that may hereafter be granted by the United States, or by any person or persons, body politic or corporate, to this State, and not granted expressly for any other purpose, which shall hereafter be sold or disposed of, and all estates of deceased persons to which the State may be or hereafter become entitled by law, shall be held by the State as a loan; and shall be and remain a perpetual fund, on which the State shall pay an annual interest of per cent. ; which interest, together with all the rents of the unsold lands, shall be inviolably appropriated to the support of such schools.

SEC. 3. The fund arising from the rents or sales which may hereafter be made, of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and of any land that may hereafter be granted for that purpose, and any interest that may accrue upon such funds, shall be inviolably applied to the use specified, or that may be specified in the grant.

Mr. TAYLOR of Assumption moved to amend the first section, by adding at the end of the same the words “by taxation

on property, or otherwise;” which amendment was adopted.

On motion the first section, as amended, was adopted, viz:

SEC. 1. The legislature shall establish free public schools throughout the State, and shall provide means for their support, by taxation on property or otherwise.

On motion the second section was taken up, viz:

SEC. 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, for the use or support of schools, and of all lands that may hereafter be granted by the United States, or by any person or persons, body politic or corporate, to this State, and not granted expressly for any other purpose, which shall hereafter be sold or disposed of, and all estates of deceased persons to which the State may be or hereafter become entitled by law, shall be held by the State as a loan; and shall be and remain a perpetual fund, on which the State shall pay an annual interest of per cent. ; which interest, together with all the rents of the unsold lands, shall be inviolably appropriated to the support of such schools.

Mr. MAYO moved to fill the blank in said section with “eight,” which motion was lost.

Mr. DOWNS moved to fill the blank with “seven,” and the yeas and nays being called for,

Messrs. Brazeale, Cade, Cénas, Chambliss, Claiborne, Downs, Dunn, Humble, Hynson, King, Mayo, Porter, Prescott of St. Landry, Roman, Saunders, Splane, Taylor of Assumption, Trist, Waddill, Wederstrandt and Winchester voted in the affirmative—21 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Briant, Brumfield, Burton, Chinn, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, DuBouchel, Eustis, Garrett, Guion, Hudspeth, Kenner, Labauve, Legendre, Lewis, McCallop, McRae, Marigny, Peets, Preston, Pugh, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff and Winchester voted in the negative—38 nays; consequently said motion was lost.

On motion of Mr. MAYO, the blank was filled with “six.”

Mr. CONRAD of Orleans moved to amend said section by striking out the following words, viz: "and not granted expressly for any other purpose which shall hereafter be sold or disposed of, and all estates of deceased persons to which the State may be or hereafter become entitled by law."

Mr. KENNER moved to lay said amendment on the table indefinitely.

The yeas and nays being called for,

Messrs. Aubert, Beatty, Benjamin, Brazeale, Brumfield, Burton, Cade, Chambliss, Chinn, Covillion, Derbes, Dunn, DuBouchel, Eustis, Garrett, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazurcau, Porter, Prescott of St. Landry, Preston, Read, Roman, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt, Winchester and Winder voted in the affirmative—48 yeas; and

Messrs. Briant, Cènas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Downs, Guion, Pugh, St. Amand, Sellers and Wikoff voted in the negative—12 nays; consequently said motion was carried.

Mr. MAYO moved for the adoption of the section as amended.

The yeas and nays being called for,

Messrs. Aubert, Beatty, Benjamin, Brazeale, Brent, Brumfield, Burton, Cade, Cènas, Chambliss, Chinn, Claiborne, Covillion, Culbertson, Derbes, DuBouchel, Dunn, Eustis, Garrett, Hudspeth, Humble, Hynson, Kenner, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Pugh, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt, Winchester and Winder voted in the affirmative—53 yeas; and

Messrs. Briant, Conrad of Orleans, Conrad of Jefferson, Downs, Guion, King, Labauve, Preston and Wikoff voted in the negative—9 nays; consequently said motion was carried, and the section as amended was adopted.

Section — was taken up, viz :

SEC. 4. The fund arising from the rents

or sales which may hereafter be made, of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and of any land that may hereafter be granted for that purpose, and any interest that may accrue upon such funds, shall be inviolably applied to the use specified, or that may be specified in the grant.

Mr. MAYO offered as a substitute for said section, the following, and the same was adopted.

"All moneys arising from the sales which have been or may hereafter be made, of any lands heretofore granted by the United States to this State for the use of a seminary of learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund; the interest of which at six per cent. per annum, shall be inviolably appropriated to the support of a seminary of learning for the promotion of literature, and the arts and sciences; and no law shall ever be made authorizing said fund to be divested to any other use than to the establishment and improvement of said seminary of learning."

Mr. EUSTIS called up the project offered by him, viz :

An university shall be established in the city of New Orleans. It shall be composed of four faculties, to wit: One of law, one of medicine, one of the natural sciences, and one of letters.

It shall be called the University of Louisiana; and the Medical College of Louisiana, as at present organized, shall constitute the faculty of medicine.

The legislature shall provide by law for its further organization and government.

Mr. CHINN moved to lay the above on the table indefinitely.

The yeas and nays being called for,

Messrs. Aubert, Chinn, Conrad of Orleans, Covillion, Downs, Hudspeth, Hynson, Kenner, Lewis, McCallop, McRae, Porter, Prescott of St. Landry, Preston, Read, Scott of Feliciana, Sellers, Stephens, Wikoff and Winder voted in the affirmative—20 yeas; and

Messrs. Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Cènas, Chambliss, Claiborne, Conrad of Jefferson, Culbertson, Derbes, Du-

Bouchel, Dunn, Eustis, Garrett, Guion, Humble, King, Labauve, Legendre, Marigny, Mayo, Mazureau, Peets, Pugh, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Soulé, Splane, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt and Winchester voted in the negative—43 nays; consequently said motion was lost.

Mr. MAYO offered the following additional proviso, and the same was accepted by Mr. Eustis, viz :

“*Provided*, that the legislature shall be under no obligation to contribute to the establishment or support of said University, by appropriations.”

Mr. WINDER moved to amend said proviso, by striking out the words “be under no obligation,” and insert in lieu thereof the words “not have power.”

The yeas and nays being called for,

Messrs. *Aubert, Brumfield, Carriere, Hudspeth, Hynson, Lewis, McCallop, Read, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Wikoff and Winder* voted in the affirmative—15 yeas; and

Messrs. *Beatty, Benjamin, Bourg, Brent, Briant, Burton, Cade, Cénas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, DuBouchel, Dunn, Eustis, Garrett, Guion, Humble, Kenner, King, Labauve, Legendre, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Preston, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Madison, Soulé, Splane, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt and Winchester* voted in the negative—46 nays; consequently said motion was lost.

Mr. MAYO moved for the adoption of the project as amended, viz :

An university shall be established in the city of New Orleans; it shall be composed of four faculties, to wit: one of law, one of medicine, one of the natural sciences, and one of letters.

It shall be called the University of Louisiana; and the Medical College of Louisiana as at present organized, shall constitute the faculty of medicine.

The legislature shall provide by law, for its further organization and government.

Provided, That the legislature shall be under no obligation to contribute to the

establishment or support of said University, by appropriations.

Which motion prevailed.

On motion of Mr. DUNN, the vote rejecting the first section of the report of the committee on education, was re-considered, and the same was taken up, viz :

SEC. 1. The governor shall nominate, and by and with the advice and consent of the senate, appoint a superintendent of education, who shall hold his office for two years; whose duties shall be prescribed by law, and who shall receive such compensation as the legislature may direct.

Mr. DUNN moved for the adoption of said section.

The yeas and nays being called for,

Messrs. *Beatty, Bourg, Brent, Briant, Brumfield, Burton, Carriere, Cénas, Chambliss, Chinn, Claiborne, Conrad of Orleans, Covillion, Culbertson, Derbes, DuBouchel, Dunn, Eustis, Garrett, Hudspeth, Humble, Hynson, King, Legendre, Lewis, Marigny, Mayo, Mazureau, Porter, Prescott of St. Landry, Pugh, Read, Roman, Roselius, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Taylor of St. Landry, Voorhies, Wadsworth, Wederstrandt, Winchester and Winder* voted in the affirmative—47 yeas; and

Messrs. *Aubert, Benjamin, Cade, Conrad of Jefferson, Guion, Kenner, Labauve, McCallop, Peets, Preston, Soulé, Stephens, Trist, Waddill and Wikoff* voted in the negative—15 nays; consequently said motion was carried, and the section was adopted.

On motion of Mr. SPLANE, the vote adopting the fifth section of the judiciary, was re-considered, and the same was taken up, viz :

SEC. 5. The supreme court shall hold its sessions in the city of New Orleans, from the first Monday of the month of November, to the end of the month of June, inclusive. The legislature shall have the power to fix the sessions elsewhere during the rest of the year. Until otherwise provided for, the sessions shall be held as heretofore.

Appeals from the parishes of Jackson, Union, Morehouse, Caldwell, Ouachita, Franklin, Carroll, Madison, Tensas and Concordia shall, until otherwise provided, be returnable to New Orleans.

Mr. SPLANE moved to amend said sec-

tion by inserting at the end of the proviso, the words "and the parish of St. Mary:" which amendment was adopted.

Mr. CADE moved to amend said section, by striking out the words "New Orleans," and insert in lieu thereof the words "seat of government;" which motion was lost.

Mr. BEATTY moved to amend said section, by striking out the proviso, so that the section may read as originally presented by the committee, viz :

SEC. 1. The judicial power shall be vested in a supreme court, in district courts to be established throughout the State, in justices of the peace, and in such other courts in the city of New Orleans as the legislature may, from time to time, direct.

The yeas and nays being called for,

Messrs. *Beatty, Benjamin, Bourg, Briant, Brumfield, Carriere, Chinn, Claiborne, Conrad of Jefferson, Culbertson, Derbes, Downs, Dunn, Eustis, Garcia, Guion, Hudspeth, Humble, Kenner, Legendre, Lewis, Marigny, Mazureau, Preston, Pugh, Roman, Roselius, Saunders, Scott of Baton Rouge, Sellers, Soule, Splane, Taylor of Assumption, Taylor of St. Landry, Trist Voorhies, Wadsworth, Wederstrandt, Wikoff, Winchester* and *Winder* voted in the affirmative—41 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Chambliss, Conrad of Orleans, Covillion, DuBouchel, Garrett, King, Labauve, McCallop, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Read, St. Amand, Scott of Feliciana, Scott of Madison, Stephens* and *Waddill* voted in the negative—24 nays; consequently said motion was carried.

Mr. BRENT offered the following amendment, viz:

"Until otherwise provided for, the appeals from the parishes of Rapides, Avoyelles, Natchitoches, Sabine, DeSoto, Bossier, Caddo and Claiborne shall be returnable as heretofore."

On a question of order,

The CHAIR, (Mr. Taylor of Assumption in the chair) decided the amendment to be out of order.

Mr. BRENT appealed from the decision of the chair; and the question being put, "shall the decision of the chair be sustained?" and the yeas and nays being called for, (Mr. Miles Taylor in the chair,)

Messrs. *Aubert, Beatty, Bourg, Benjamin, Briant, Carriere, Chambliss, Chinn, Claiborne, Conrad of Jefferson, Culbertson, Derbes, Downs, DuBouchel, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, McCallop, Marigny, Mazureau, Preston, Pugh, Read, Roman, Roselius, St. Amand, Saunders, Scott of Baton Rouge, Scott of Madison, Sellers, Soule, Splane, Taylor of St. Landry, Trist, Voorhies, Wederstrandt, Wadsworth, Wikoff, Winchester* and *Winder* voted in the affirmative—48 yeas; and

Messrs. *Brazeale, Brent, Burton, Cade, Conrad of Orleans, Covillion, Humble, Hynson, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Scott of Feliciana, Stephens* and *Waddill* voted in the negative—17 nays; consequently the decision of the chair was maintained.

Mr. BRENT, having voted in the majority, moved to reconsider the vote reconsidering the fifth section, under the motion of Mr. Splane.

On a question of order, the Chair, (Mr. Taylor of Assumption in the chair) decided the motion to be in order.

Mr. BEATTY appealed from the decision of the chair; and the question being put, "shall the decision of the chair be sustained?" the same was sustained.

The yeas and nays were then called for on the motion of Mr. Brent to reconsider, and

Messrs. *Benjamin, Brazeale, Brent, Briant, Burton, Cade, Chambliss, Chinn, Conrad of Orleans, Covillion, Culbertson, DuBouchel, Downs, Garrett, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, Trist, Waddill, Wederstrandt* and *Wikoff* voted in the affirmative—39 yeas; and

Messrs. *Aubert, Beatty, Brumfield, Claiborne, Conrad of Jefferson, Derbes, Dunn, Garcia, Guion, Legendre, Marigny, Pugh, Roman, Roselius, Saunders, Splane, Voorhies, Wadsworth, Winchester* and *Winder* voted in the negative—20 nays; consequently said motion was carried.

Mr. GARRETT moved for the reconsideration of the vote adopting the eleventh

section of the judiciary; which motion was lost.

Mr. CLAIBORNE moved to reconsider the first section of the judiciary. The yeas and nays being called for,

Messrs. *Briant, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Marigny, Porter, Pugh, Roselius, Saunders, Scott of Feliciana, Taylor of Assumption, Voorhies and Wadsworth* voted in the affirmative—16 yeas; and

Messrs. *Aubert, Benjamin, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Chinn, Downs, DuBouchel, Dunn, Eustis, Garrett Guion, Hudspeth, Humble, Hynson, Kenner, King, Labauve, Legendre, Lewis, McCallop, McRae, Mayo, Peets, Prescott of St. Landry, Preston, Read, Roman, Scott of Baton Rouge, Scott of Madison, Sellers, Splane, Stephens, Taylor of St. Landry, Trist, Waddill, Wederstrandt Wikoff and Winchester* voted in the negative—42 nays; consequently said motion was lost.

Mr. HUMBLE moved to reconsider the vote adopting the section removing the seat of government from the city of New Orleans. The yeas and nays being called for,

Messrs. *Benjamin, Briant, Cénas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Downs, DuBouchel, Eustis, Garrett, Humble, Legendre, Mayo, Marigny, Peets, Porter, Prescott of St. Landry, Preston, Roman, Roselius, Splane, Taylor of St. Landry, Voorhies and Wadsworth* voted in the affirmative—25 yeas; and

Messrs. *Aubert, Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Chinn, Chambliss, Dunn, Guion, Hudspeth, Hynson, Kenner, King, Labauve, Lewis, McCallop, McRae, Pugh, Read, Saunders, Scott of Baton Rouge, Scott of Madison, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Trist, Waddill Wederstrandt, Wikoff, Winchester and Winder* voted in the negative—34 nays; consequently said motion was lost.

Mr. CONRAD of Orleans moved to reconsider the vote rejecting the additional section offered by Mr. Eustis, providing that on nominations for judicial officers, after the first appointment under this constitution, if the senate shall advise the re-

appointment of the incumbent, he shall be reappointed.

The yeas and nays being called for,

Messrs. *Beatty, Benjamin, Briant, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, King, Lewis, Marigny, Mazureau, Pugh, Roman, Roselius, Saunders, Taylor of St. Landry, Voorhies, Wadsworth, Wikoff, Winchester and Winder* voted in the affirmative—29 yeas; and

Messrs. *Aubert, Brazeale, Brent, Briant, Brumfield, Cade, Chambliss, Covillion, Downs, DuBouchel, Humble, Hynson, Kenner, Labauve, Legendre, McCallop, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Waddill and Wederstrandt* voted in the negative—33 nays; consequently said motion was lost.

Mr. GARCIA moved to reconsider the vote fixing the apportionment of the parish of St. John the Baptist. The yeas and nays being called for,

Messrs. *Briant, Claiborne, Conrad of Orleans, Conrad of Jefferson, Dunn, Derbes, Garcia, Kenner, Legendre, Marigny, Mazureau, Pugh, Roman, Roselius, Saunders, Wadsworth and Winchester* voted in the affirmative—17 yeas; and

Messrs. *Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Cénas, Chambliss, Chinn, Covillion, Downs, DuBouchel Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, King, Labauve, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Splane, Stephens, Taylor of St. Landry, Trist, Voorhies, Waddill, Wederstrandt, Wikoff and Winder* voted in the negative—41 nays; consequently said motion was lost.

On motion, the Convention adjourned till to-morrow at nine o'clock, a. m.

FRIDAY, May 9, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. NICHOLSON opened the proceedings with prayer.

On motion of Mr. PORTER the vote rejecting the twenty-seventh section of the

bill of rights was reconsidered, and said section was taken up, viz :

SEC. 27. The legislature shall have power to extend this Constitution, and the jurisdiction of this State over all the territory which may hereafter be ascertained to be within her limits, or over any territory acquired by compact with any State, or with the United States, the same being done by consent of the United States."

Mr. PORTER moved for the adoption of said section; the yeas and nays being called for,

Messrs. *Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Covillion, Dunn, Eustis, Garret, Hudspeth, Humble, Hynson, Labauve, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prescott* of St. Landry, *Pugh, Read, Saunders, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Splane, Stephens, Taylor* of St. Landry, *Trist, Voorhies, Waddill, Wederstrandt, Wikoff* and *Winder* voted in the affirmative—28 yeas, and

Messrs. *Aubert, Beatty, Briant, Derbes, Kenner, Legendre, Mazureau, Roman, Sellers* and *Taylor* of Assumption voted in the negative—10 nays; consequently said section was adopted, and the same was transferred to the general provisions.

Mr. PORTER agreeably to notice moved to reconsider the vote adopting the section offered by Mr. Taylor of Assumption, relative to the acquiring of residence in this State. The yeas and nays being called for,

Messrs. *Benjamin, Brent, Culbertson, Derbes, Dunn, Eustis, Guion, Humble, Porter, Prescott* of St. Landry, *Read, Splane, Waddill* and *Wederstrandt* voted in the affirmative—14 yeas; and

Messrs. *Aubert, Beatty, Bourg, Brazeale, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Covillion, Garrett, Hudspeth, Hynson, Kenner, Labauve, Legendre, Lewis, McCallop, Mayo, Mazureau, Peets, Prudhomme, Pugh, Roman, Saunders, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Stephens Taylor* of Assumption, *Taylor* of St. Landry, *Trist, Voorhies, Wikoff* and *Winder* voted in the negative—38 nays; consequently the said motion was lost.

On motion of Mr. GARCIA the reconsideration of the section on duelling was postponed until twelve o'clock m., this day.

On motion of Mr. DUNN the schedule was taken up, viz;

That no inconvenience may arise from the alterations and amendments made in the Constitution of this State and in order to carry the same into complete operation and effect it is hereby declared and ordained :

That all laws of the State in force at the time of making the said alterations and amendments, and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals, as of bodies corporate, shall continue, as if the said alterations and amendments had not been made.

The governor, secretary of State, judges and all other officers, both civil and military, shall continue in the exercise of the duties of their respective departments, until superceded and their successors duly inducted into office, pursuant to the provisions contained in the foregoing alterations and amendments.

On motion of Mr. BENJAMIN, the above report was laid on the table subject to call.

It being twelve o'clock m., Mr. GARCIA moved for the reconsideration of the vote adopting the section on duelling. The yeas and nays being called for

Messrs. *Aubert, Benjamin, Bourg, Briant, Cénas, Claiborne, Conrad* of Orleans, *Conrad* of Jefferson, *Culbertson, Derbes, DuBuochel, Garcia, Kenner, Labauve, Legendre, Marigny, Mazureau, Porter, Prescott* of St. Landry, *Prudhomme, Roman, St. Amand, Saunders, Splane, Taylor* of Assumption, *Trist, Wadsworth, Wederstrandt, Wikoff* and *Winchester* voted in the affirmative—30 yeas; and

Messrs. *Beatty, Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Chinn, Downs, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Lewis, McCallop, McRae, Mayo, Peets, Preston, Pugh, Read, Roselius, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Stephens, Taylor* of St. Landry, *Voorhies, Waddill* and *Winder* voted in the negative—34 nays; consequently said motion was lost.

Mr. EUSTIS was excused from serving on the committee of enrolment, and the president appointed Mr. CENAS in his stead.

On motion the report of the committee

of revision on the judiciary article was taken up, viz:

SEC. 1. The judicial power shall be vested in a supreme court, in district courts and in justices of the peace.

SEC. 2. The supreme court shall have appellate jurisdiction only except in cases hereinafter provided, which jurisdiction shall extend to all cases where the matter in dispute shall exceed three hundred dollars.

SEC. 3. The supreme court shall be composed of one chief justice, and of three associate justices, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of six thousand dollars annually, and each of the associate judges shall receive a salary of five thousand five hundred dollars annually. The said court shall appoint its own clerks. The said judges shall be appointed by the governor, by and with the advice and consent of the senate, for the term of eight years.

SEC. 4. When the first appointments are made under this constitution, the chief justice shall be appointed for eight years, one of the associate judges for six years, one for four years, and one for two years, and in the event of the death, resignation or removal of any of the said judges before the expiration of the period for which he was appointed, his successor shall be appointed only for the remainder of this term, so that the term of service of no two of said judges shall expire at the same time.

SEC. 5. The supreme court shall hold its sessions in New Orleans, from the first Monday of the month of November to the end of the month of June, inclusive. The legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

SEC. 6. The supreme court and each of the judges thereof shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process in all cases in which they may have appellate jurisdiction.

SEC. 7. The appellate jurisdiction of the supreme court shall extend to all cases in which the constitutionality or legality of any tax, toll, or impost of any kind or nature soever shall be in contestation, what-

ever may be the amount thereof; and likewise to all fines, forfeitures and penalties imposed by municipal corporations.

SEC. 8. The supreme court shall have appellate jurisdiction in criminal cases on questions of law alone, in all cases in which the punishment of death or hard labor may be inflicted, or a fine exceeding three hundred dollars is actually imposed.

SEC. 9. In all cases in which the judges shall be equally divided in opinion, the judgment appealed from shall stand affirmed; in which case each of the judges shall give his separate opinion in writing.

SEC. 10. The judges by virtue of their office shall be conservators of the peace throughout the State. The style of all process shall be "the State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the State of Louisiana, and conclude against the peace and dignity of the same.

SEC. 11. The judges of all courts within this State shall as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

SEC. 12. No court or judge shall make any allowance by way of fee or compensation in any suit or proceedings except for the payment for such fees to ministerial officers as may be established by law.

SEC. 13. The supreme court and district court, and the several judges thereof, are prohibited from exercising any jurisdiction or performing any duties but such as are judicial, and from receiving any fees of office, and no other functions or duties shall ever be attached by law to the office of judge but such as are judicial.

SEC. 14. The judges of all courts shall be liable to impeachment, but for any reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of three-fourths of the members present of each house of the general assembly. In every such case, the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each house.

SEC. 15. There shall be an attorney general for the State, and as many other prosecuting attorneys for this State as may

be hereafter found necessary. The said attornies shall be appointed by the governor, with the advice and approbation of the senate, for the term of two years. Their duties shall be determined by law.

SEC. 16. The first legislature assembled under this constitution, shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to re-organization every sixth year thereafter.

The number of districts shall not be less than twelve, nor more than twenty.

For each district, one judge, learned in the law, shall be appointed, except in the districts in which the cities of New Orleans and Lafayette are situated, in which the legislature may establish as many district courts as the public interest may require.

SEC. 17. Each of the said judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, which salary shall never be less than two thousand five hundred dollars annually. He must be a citizen of the United States, over the age of thirty years, and have resided in the State six years next preceding his appointment, and have practised law therein for the space of five years.

SEC. 18. The judges of said district courts shall hold their offices for the term of six years, and shall be appointed by the governor, by and with the advice and consent of the senate. The judges first appointed shall be divided by lot into three classes, as nearly equal as may be, and the term of office of the judges of the first class shall expire at the end of two years; of the second class at the end of four years, and of the third class at the end of six years.

SEC. 19. The said district courts shall have general original jurisdiction in all civil cases, when the amount in dispute exceeds fifty dollars, exclusive of interest. In all criminal cases, and in all matters connected with succession, their jurisdiction shall be unlimited.

SEC. 20. The legislature shall have power to vest in clerks of courts authority to grant such orders, and do such acts as may be deemed necessary for the furtherance of the administration of justice, and

in all cases the powers thus granted shall be specified and determined.

SEC. 21. The clerks of the several courts shall be removeable for breach of good behavior, by the judges thereof, subject in all cases, to an appeal to the supreme court.

SEC. 22. The jurisdiction of justices of the peace shall never exceed, in civil cases, the sum of one hundred dollars, exclusive of interest, subject to an appeal to the district court in such cases as shall be provided for by law. They shall be elected by the qualified voters of each parish, for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

SEC. 23. The judges of the supreme court and district courts, provided for in this constitution, shall be appointed and commissioned as soon as possible after this constitution shall take effect, and the legislature shall provide for the removal of all causes now pending in the supreme or other courts of this State, under the constitution of 1812, to the supreme and district courts created by this constitution.

SEC. 24. Clerks in the district courts in this State, shall be elected by the qualified electors in each parish, for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by the judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

SEC. 25. A sheriff shall be elected in each parish by the qualified voters thereof, who shall hold his office for the term of two years, unless sooner removed. Should a vacancy occur, subsequent to an election, it shall be filled by the governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

SEC. 26. All parish officers, not otherwise provided for by this constitution, shall be elected by the qualified electors of the different parishes, in such manner as shall be prescribed by law. *Provided*, that the mode of appointment and tenure of office of all officers in the parish of Orleans shall remain as heretofore, unless otherwise provided for by the legislature.

Mr. BRENT, moved to amend the twen-

ty-sixth section by inserting in the proviso before the word "officers," the word "such."

The CHAIR decided the amendment to be out of order.

Mr. PRESCOTT of St. Landry appealed from the decision of the chair, and the question being put shall the decision of the chair be maintained; the yeas and nays being called for,

Messrs. *Aubert, Briant, Carriere, Cènas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Downs, Dubouchel, Dunn, Eustis, Garcia, Garrett, Guion, Hudspeth, Humble, Kenner, Labauve, Legendre, Lewis, McRae, Marigny, Mazureau, Peets, Pugh, Roman, Roselius, St. Amant, Saunders, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, Waddill, Wadsworth, Wederstrandt, Wikoff, Winchester* and *Winder* voted in the affirmative—42 yeas; and

Messrs. *Beatty, Brazcale, Brent, Burton, Cade, Chambliss, Covillion, Culbertson, Hynson, McCallop, Porter, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Splane, Taylor of Assumption* *Trist* and *Voorhies* voted in the negative—19 nays; consequently said motion was lost.

On motion the report of the committee of revision on the legislative departments, was taken up, viz :

SEC. 1. The legislative power of the State shall be vested in two distinct branches, the one to be styled the House of Representatives, the other the Senate, and both "the General Assembly of the State of Louisiana."

SEC. 2. The members of the house of representatives shall continue in service for the term of two years from the day of the closing of the general elections.

SEC. 3. Representatives shall be chosen on the first Monday in November, every two years; and the general assembly shall meet on the third Monday in January next ensuing the election in every second year, unless a different day be appointed by law, and their sessions shall be held at the seat of government. The election shall be completed in one day.

SEC. 4. No person shall be a representative who, at the time of his election, is not a free white male, and has not been for

three years a citizen of the United States; and has not attained the age of twenty-one years and resided in the State for the three years next preceding the election, and the last year thereof in the parish for which he may be chosen.

SEC. 5. Elections for representatives for the several parishes or representative districts shall be held at the several election precincts established by law, and which the legislature having in view the convenience of the voters, may from time to time establish; *Provided*, that the Legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

SEC. 6. Representation shall be equal and uniform in this State, and shall forever be regulated and ascertained by the number of qualified electors therein; *Provided*, that each parish shall have at least one representative: and *provided further*, that no new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the ratio at the time, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

The first census to be taken by the State authorities under this Constitution shall be taken in the year 1847, the second in the year 1855: and the subsequent enumerations shall be made every tenth year thereafter, in such manner as shall be prescribed by law, for the purpose of ascertaining the number of qualified electors in each parish.

At the first regular session of the legislature after the making of each census, the legislature shall apportion the representation amongst the several parishes on the basis of qualified electors as aforesaid. A representative number being fixed, each parish shall have as many representatives as the aggregate number of electors will entitle it to, and an additional representative for any fraction exceeding by one-half the representative number.

That part of the parish of Orleans situated on the left bank of the Mississippi shall be divided into nine representative districts as follows, viz:

1st. First district to extend from the line of the parish of Jefferson, to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district to extend from the

last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district to comprise the residue of the Second Municipality.

4th. Fourth district to extend from the middle of Canal street to the middle of St. Louis street, until it reaches the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district to extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the bayou St. John, thence along the middle of said bayou until it intersects the Metairie road thence along said road until it reaches St. Louis street.

6th. Sixth district to be composed of the residue of the First Municipality.

7th. Seventh district, from the middle Esplanade street to the middle of Champs Elysées street.

8th. Eighth district, from the middle of Champs Elysées street to the middle of Enghein street and Lafayette Avenue.

9th. Ninth district, from the middle of Enghein street and Lafayette Avenue to the lower limits of the parish.

Until the first enumeration shall be made as directed in this section, the parish of Orleans shall be entitled to twenty representatives, to be elected as follows, viz:

Eight by the First Municipality, seven by the Second Municipality, and four by the Third Municipality, to be distributed among the nine representative districts as follows, by allotting to the

First district,	2
Second "	2
Third "	3
Fourth "	3
Fifth "	3
Sixth "	2
Seventh "	2
Eighth "	1
Ninth "	1

And one by that part of the parish on the right bank of the Mississippi.

The parish of Plaquemines,	3
" St. Bernard,	1
" Jefferson,	3
" St. Charles,	1
" St. John the Baptist,	1
" St. James,	2
" Ascension,	2
" Assumption,	3

The parish of Lafourche Interior,	3
" Terrebone,	2
" Iberville,	2
" West Baton Rouge,	1
" East do.	3
" West Feliciana,	2
" East do	3
" St. Helena,	1
" Washington,	1
" Livingston,	1
" St. Tammany,	1
" Point Coupée,	1
" Concordia,	1
" Tensas,	1
" Madison,	1
" Carroll,	1
" Franklin,	1
" St. Mary,	2
" St. Martin,	3
" Vermillion,	1
" Lafayette,	2
" St. Landry,	5
" Calcasieu,	1
" Avoyelles,	2
" Rapides,	3
" Natchitoches,	3
" Sabine,	2
" Caddo,	1
" De Soto,	1
" Ouachita,	1
" Morehouse,	1
" Union,	1
" Jackson,	1
" Caldwell,	1
" Catahoula,	2
" Claiborne,	2
" Bossier,	1

Total, 98

SEC. 7. The house of representatives shall choose its speaker and other officers.

SEC. 8. In all elections for representatives, every free white male citizen of the United States who has attained the age of twenty-one years, and resided in the State two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting. Electors shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

SEC. 9. Absence from the State for more than ninety consecutive days, shall interrupt the acquisition of the residence requi-

red in the preceding section, unless the person absenting himself shall be a house-keeper, or shall occupy a tenement for carrying on business, and his dwelling house or tenement for carrying on business shall be actually occupied during his absence, by his family or servants, or some portion thereof, or by some one employed by him.

SEC. 10. No person shall have the right of voting in this State until he has been two years a citizen of the United States: *Provided*, that this section shall not be construed so as to deprive any person of the right of voting who is entitled to that right under the constitution of 1812, at the time of the adoption of this constitution.

SEC. 11. No person shall be entitled to vote at any election held in this State, except in the parish of his residence, and in cities and towns divided into election precincts in which he resides.

SEC. 12. The members of the Senate shall be chosen for the term of four years, and when assembled shall have the power to choose its officers every two years.

SEC. 13. The State shall be divided into the following senatorial districts, and the senators to be elected shall be voted for by persons entitled to vote for representatives.

All that portion of the parish of Orleans lying on the east side of the Mississippi river shall compose one senatorial district, and shall elect four senators;

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans lying on the right bank of the river, shall compose one district, with one senator;

The parish of Jefferson shall compose one district, with one senator;

The parishes of St. Charles and St. John the Baptist shall compose one district, with one senator;

The parish of St. James shall compose one district, with one senator;

The parish of Ascension shall compose one district with one senator;

The parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators;

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator;

The parish of East Baton Rouge shall compose one district, with one senator;

The parish of Point Coupée shall compose one district, with one senator;

The parish of Avoyelles shall compose one district, with one senator;

The parish of St. Mary shall compose one district, with one senator;

The parish of St. Martin shall compose one district, with one senator;

The parishes of Lafayette and Vermilion shall compose one district, with one senator;

The parishes of St. Landry and Calcasieu, shall compose one district, with two senators;

The parish of West Feliciana shall compose one district, with one senator;

The parish of East Feliciana shall compose one district, with one senator;

The parishes of St. Helena and Livingston shall compose one district, with one senator;

The parishes of Washington and St. Tammany, shall compose one district, with one senator;

The parishes of Concordia and Tensas shall compose one district with one senator;

The parishes of Carroll and Madison shall compose one district, with one senator;

The parishes of Jackson, Union, Morehouse and Ouachita shall compose one district, with one senator;

The parishes of Caldwell, Franklin and Catahoula shall compose one district, with one senator;

The parish of Rapides shall compose one district, with one senator;

The parishes of Bossier and Claiborne shall compose one district, with one senator;

The parish of Natchitoches shall compose one district, with one senator;

The parishes of Sabine, De Soto and Caddo shall compose one district, with one senator;

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken or to another contiguous district at the discretion of the legislature, but shall not be attached to more than one district.

The legislature in every year in which they shall apportion representation in the house of representatives shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans ex-

cepted. The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators.

SEC. 14. In all apportionments of the senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty eight, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a senator. [Single or contiguous parishes shall be formed into districts having a population nearest possible to the number entitling a district to a senator; and if in the apportionment to be made, a parish or district may be found to be deficient of, or to exceed by one-fifth, the ratio, then a district may be formed having not more than two senators, but not otherwise.]*

No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment.

After the census has been taken, and the general assembly convened, the legislature shall not pass any laws until an apportionment is made.

SEC. 15 At the session of the general assembly, after this constitution takes effect, the senators shall be divided by lot as equally as can be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year; so that one-half shall be chosen every two years and a rotation thereby kept up perpetually. In case any district shall have elected two or more senators, said senators shall vacate their seats respective-

ly at the end of two and four years, and the lots shall be drawn between them.

SEC. 16. No person shall be a senator, who at the time of his election, has not been a citizen of the United States ten years, and who has not attained the age of twenty-seven years, and resided in the State four years next preceding his election, and one year in the district in which he may be chosen.

SEC. 17. The first election for senators shall be general throughout the State, and at the same time that the general election for representatives is held; and thereafter there shall be biennial elections to fill the place of those whose time of service may have expired.

SEC. 18. Not less than a majority of the members of each house of the general assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised by law to compel the attendance of absent members, in such manner and under such penalties as may be prescribed thereby.

SEC. 19. Each house of the general assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

SEC. 20. Each house of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds expel a member, but not a second time for the same offence.

SEC. 21. Each house of the general assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of two of them, be entered on the journal.

SEC. 22. Each house may punish by imprisonment any person not a member, for disrespectful and disorderly behavior, in its presence or for obstructing any of its proceedings; *provided*, such imprisonment shall not exceed ten days for any one offence.

SEC. 23. Neither house, during the session of the general assembly, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 24. The members of the general

*Project as a substitute for the paragraph in brackets.

[When the population of a single parish or of contiguous parishes, exceeds by more than one-fifth, or is not less than one-fifth of the senatorial ratio entitling the said parish or contiguous parishes, to two senators, then the said parish or contiguous parishes shall (may) be formed into one district, with not more than two senators.]

assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective houses; *provided*, that the same may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alterations shall have been made; *and provided also*, that no session shall extend to a period beyond sixty days to the date from its commencement, and that any legislative action had after the expiration of the said sixty days, shall be null and void, except the session of the first legislature which is to convene after the adoption of this constitution.

SEC. 25. The members of the general assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses; and going to or returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 26. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created or the emoluments of which shall have been increased during the time such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

SEC. 27. No person, while he continues to exercise the functions of a clergyman, priest or teacher of any religious persuasion, society or sect, shall be eligible to the general assembly.

SEC. 28. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the general assembly, or to any other office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

SEC. 29. No bill shall have the force of a law until on three several days, it be read over in each house of the general assem-

bly, and free discussion allowed thereon, unless in case of urgency, four-fifths of the house, when the bill shall be pending, may deem it expedient to dispense with this rule.

SEC. 30. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in other bills; *provided*, that they shall not introduce any new matter under the color of an amendment which does not relate to raising a revenue.

SEC. 31. The general assembly shall regulate by law, by whom, and in what manner, writs of election shall be issued, to fill the vacancies which may happen in either branch thereof.

SEC. 32. A majority of all the members elected to the senate, shall be required for the confirmation or rejection of officers to be appointed by the governor, with the advice and consent of the senate; and the senate in deciding thereon, shall vote by yeas and nays, and the names of the senators voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

SEC. 32. No soldier, seaman or marine in the army of the United States, no pauper, no person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in this State.

On motion, the Convention adjourned till to-morrow, at 9 o'clock.

NOTE.—Members absent at the call of the roll: Messrs. O'Bryan, Penn and Prescott of Avoyelles absent on leave; Mr. Porche absent on account of illness; and Messrs. Benjamin, Boudousquié, Carrière, Cénas, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, DuBouchel, Eustis, Garcia, Grymes, Guion, King, Ledoux, Marigny, Prescott of St. Landry, Preston, Prudhomme, Ratliff, Roselius, St. Amand, Soulé, Wikoff and Winder did not answer to their names at the call of the roll.

SATURDAY, May 10, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel, the Hon. Mr. STEVENS, at the request

of the President, opened the proceedings with prayer.

The President submitted a letter from Mr. Bayon, in relation to his compensation as printer to the Convention, and the same was referred to the committee on contingent expenses.

Mr. READ, one of the committee on contingent expenses, submitted the following resolution, and the same was adopted, viz:

"Resolved, that the sum of two hundred and sixty-two dollars and fifteen cents be allowed B. M. Norman, bookseller and stationer, and that the committee on contingent expenses be authorised to issue a warrant for the same."

Mr. BRENT submitted the following resolution, and the same was adopted, viz:

"That the committee of revision shall have the power to recommend for correction any inaccuracies that might be discovered in the constitution after the second reading."

Mr. MAYO gave notice that he will, when the judiciary article be taken up for its third reading, move to determine and fix the qualifications of the judges of the supreme court.

On motion, the report of the committee of revision on the article of impeachment was taken up, and the same was adopted, as reported, viz:

ARTICLE FIFTH.

IMPEACHMENT.

SEC. 1. The power of impeachment shall be vested in the house of representatives.

SEC. 2. Impeachments of the governor, lieutenant governor, attorney general, secretary of State, State treasurer, and the judges of the district courts, shall be tried by the senate; the chief justice of the supreme court, or the senior judge of said court, presiding.

Impeachments of the judges of the supreme court shall be tried by the senate.

The legislature shall provide by law for the trial, punishment and removal from office of all other officers of the State, by indictment or otherwise.

When sitting as a court of impeachment, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present.

SEC. 3. Judgments in cases of impeachment shall not extend further than to removal from office and disqualification from holding any office of honor, trust or profit under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment according to law.

All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency and trial of such impeachment; *Provided*, that the appointing power may make a provisional appointment of an officer to replace the suspended officer until the decision shall be made on the impeachment.

On motion the schedule was taken up, viz:

SCHEDULE.

1 That no inconvenience may arise from the alterations and amendments made in the constitution of this State, and in order to carry the same into complete operation and effect, it is hereby declared and ordained:

2. That all laws of this State, in force at the time of making the said alterations and amendments, and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

3. The governor, secretary of State, judges, and all other officers, both civil and military, shall continue in the exercise of the duties of their respective departments until superceded, and their successors duly inducted into office, pursuant to the provisions contained in the foregoing alterations and amendments.

Mr. SAUNDERS submitted as a substitute for the above, the following, and the same was adopted, viz:

"The constitution adopted in convention, January second, 1812, is declared to be superceded by the alterations and amendments herein adopted; and in order to carry the same into operation and effect, it is hereby declared and ordained

That all laws of this State in force at the time of the adoption of this constitution, and not inconsistent therewith, and all rights, actions and prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if the

said alterations and amendments had not been made.

The governor, secretary of State, judges, and all other officers, civil and military, shall continue in the exercise of the duties of their respective departments until superseded under the authority of this constitution.

Provided, that nominations and appointments to office, under this constitution, shall be made by the governor to be elected under its authority."

Mr. SAUNDERS offered the following additional section; the same was adopted, and ordered to be transferred to the general provisions, viz:

"A treasurer of the State shall be elected biennially, by the joint ballot of the two houses of the general assembly."

Mr. KENNER moved to take up the majority report, on submitting the constitution to the people. The yeas and nays being called for,

Messrs. Beatty, Bourg, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Dunn, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Ledoux, Legendre, Lewis, McCallop, Marigny, Mayo, Porter, Prescott of St. Landry, Prudhomme, Read, Roman, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Winchester and Winder voted in the affirmative—43 yeas; and

Messrs. Brazeale, Brant, Covillion, Dubouchel, Eustis, Garrett, Humble, Hynson, Peets, Splane, Waddill and Wederstrandt voted in the negative—11 nays; consequently said motion was carried, and the report was taken up, viz:

REPORT.

Ordered, that immediately after the adjournment of this Convention, the governor shall issue his proclamation, directing the several officers of this State authorized by law to hold elections for members of the general assembly, to open and hold an election in every parish in the State, at the places designated by law, upon the first Monday of November next, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this amended Constitution,

And it shall be the duty of the said officers to receive the votes of all persons entitled to vote under the old constitution, and under this amended constitution. Each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written "the constitution accepted," or "the constitution rejected," or some such words as will distinctly convey the intention of the voter. At the conclusion of the said election, which shall be conducted in every respect as the general State election is now conducted, the commissioners designated to preside over the same, shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the secretary of State, in conformity to the provisions of the existing law upon the subject of elections.

Ordered, that upon the receipt of the said returns, it shall be the duty of the governor, the secretary of State, the attorney general and the State treasurer, in the presence of all such persons as may choose to attend, to compare the votes given in said election, for the ratification or rejection of this amended constitution; and if it shall appear from said returns, that a majority of all the votes given in said election is for ratifying the amended constitution, then it shall be the duty of the governor to make proclamation of that fact, and thenceforth this amended constitution shall be ordained and established as the constitution of Louisiana. But whether the amended constitution be accepted or rejected, it shall be the duty of the governor to cause to be published in the State paper the result of the said election, showing the number of votes cast for and against the said constitution.

Ordered, that should this amended constitution be accepted by the people, it shall also be the duty of the governor forthwith to issue his proclamation, declaring the present legislature elected under the old constitution to be dissolved, and directing the several officers of the State, authorized by law to hold elections for members of the general assembly, to hold an election at the places designated by law, upon the third Monday in January next, (1846) for governor, lieutenant governor, members of the general assembly, and all other officers whose election is provided for, pursuant to the provisions of this amended constitution.

tion. And the said election shall be conducted, and the returns thereof made, in conformity with the existing laws upon the subject of State elections.

Ordered, that the general assembly elected under this amended constitution, shall convene at the State house, in the city of New Orleans, upon the second Monday of February next, after the election, (1846) and that the governor and lieutenant governor, elected at the same time, shall be duly installed in office during the first week of their session, and before it shall be competent for the said general assembly to proceed with the transaction of business.

Mr. GUION moved to amend the first section of said report by striking out in the fifteenth line the word "November," and insert in lieu thereof the word "July."

The yeas and nays being called for,

Messrs. Beatty, Bourg, Briant, Chinn, Dunn, Guion, Hudspeth, King, Legendre, Lewis, Read, Sellers, Taylor of Assumption, Taylor of St. Landry and Winder voted in the affirmative—15 yeas; and

Messrs. Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Cenas, Ohambliss, Claiborne, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Downs, DuBouchel, Eustis, Garcia, Garrett, Humble, Hynson, Kenner, Labauve, Ledoux, McCallop, McRae, Marigny, Mayo, Peets, Porter, Prescott of St. Landry, Prudhomme, Roman, Saunders, Scott of Baton Rouge, Scott of Feliciana, Splane, Stephens, Voorhies, Waddill, Wederstrandt and Winchester voted in the negative—41 nays; consequently said motion was lost.

Mr. GUION then moved to amend said section by striking out, commencing in the fifteenth line, the words "and under this amended constitution."

The yeas and nays being called for,

Messrs. Aubert, Beatty, Broudousquie, Bourg, Briant, Cade, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garcia, Guion, Hudspeth, Kenner, King, Labauve, Legendre, Lewis, Marigny, Mazureau, Pugh, Roman, Roselius, Sellers, Taylor of St. Landry, Wadsworth and Winder voted in the affirmative—31 yeas, and

Messrs. Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Downs, DuBouchel, Eustis, Garrett, Hum-

ble, Hynson, Ledoux, McCallop, McRae, Mayo, Peets, Porter; Prescott of St. Landry, Preston, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Splane, Stephens, Taylor of Assumption, Voorhies, Waddill, Wederstrandt, and Winchester voted in the negative—32 nays; consequently said motion was lost.

Mr. DOWNS moved to amend said section by inserting after the word "commissioners," in the 25th line, the words "and parish judges;" which motion prevailed.

Mr. DOWNS moved that said report be laid on the table indefinitely.

The yeas and nays being called for,

Messrs. Downs, Humble and Waddill voted in the affirmative—3 yeas; and

Messrs. Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Chambliss, Cénas, Chinn, Covillion, Conrad of New Orleans, Claiborne, Culbertson, Derbes, Dunn, DuBouchel, Eustis, Garcia, Guion, Hudspeth, Hynson, Kenner, Labauve, Ledoux, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Preston, Pugh, Read, Roman, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth, Wederstrandt, Winchester and Winder voted in the negative—59 nays; consequently said motion was lost.

Mr. LEWIS moved that the word "amended" be stricken out wherever it precedes the word "constitution;" which motion prevailed.

Mr. PRESTON moved to amend said section by striking out the words "by depositing in the ballot box a ticket whereon shall be written, the constitution accepted or the constitution rejected," and insert in lieu thereof "orally for or against the constitution."

The yeas and nays being called for,

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Downs, Eustis, Garrett, Humble, Hynson, Ledoux, McRae, Mayo, Porter, Prescott of St. Landry, Preston, Read, Scott of Feliciana, Taylor of St. Landry, Wadsworth and Wederstrandt voted in the affirmative—24 yeas; and

Messrs. Aubert, Benjamin, Boudousquie,

Bourg, Briant, Cénas, Claiborne, Conrad of Orleans, Covillion, Culbertson, Derbes, Dunn, Garcia, Guion, Hudspeth, Kenner, Labauve, Legendre, Lewis, Marigny, Mazureau, Peets, Pugh, Roman, Roselius, Saunders, Scott of Baton Rouge, Sellers, Soulé, Stephens, Taylor of Assumption, Voorhies, Waddill, Winchester and Winder voted in the negative--35 nays; consequently said motion was lost.

Mr. BRENT moved for the adoption of the first order.

The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquié, Bourg, Brazeale, Brent, Briant, Brumfield, Burton, Cade, Carriere, Cénas, Chambliss, Claiborne, Conrad of Orleans, Covillion, Culbertson, Derbes, Downs, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Labauve, Legendre, Ledoux, Lewis, McRae, Marigny, Mayo, Mazureau, Peets, Porter, Prescott of St. Landry, Preston, Pugh, Read, Roman, Roselius, Saunders, Scott of Baton Rouge, Scott of Feliciana, Sellers, Soulé, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Waddill, Wederstrandt, Winchester and Winder voted in the affirmative—57 yeas; the vote being unanimous, consequently the first order was adopted, as follows, viz:

Ordered, That immediately after the adjournment of this Convention, the governor shall issue his proclamation, directing the several officers of this State, authorized by law to hold elections for members of the general assembly, to open and hold an election in every parish of the State, at the places designated by law, upon the first Monday of November next, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this constitution. And it shall be the duty of the said officers to receive the votes of all persons entitled to vote under the old constitution, and under this constitution. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written "the constitution accepted" or "the constitution rejected," or some such words as will distinctly convey the intention of the voter. At the conclusion of the said election, which shall be conducted in every respect as the general State election is now conducted, the parish judges and commission-

ers designated to preside over the same, shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the secretary of State, in conformity to the provisions of the existing law upon the subject of elections.

On motion, the second order was taken up, viz:

Ordered, That upon the receipt of the said returns, it shall be the duty of the governor, the secretary of State, the attorney general and the state treasurer, in the presence of all such persons as may choose to attend, to compare the votes given in said election for the ratification and rejection of this constitution; and if it shall appear from said returns that a majority of all the votes given in said election is for ratifying the constitution, then it shall be the duty of the governor to make proclamation of that fact, and thenceforth this constitution shall be ordained and established as the constitution of Louisiana. But whether the constitution be accepted or rejected, it shall be the duty of the governor to cause to be published in the State paper the result of the said election, showing the number of votes cast for and against the said constitution.

Mr. CONRAD of Orleans moved to amend said order by inserting after the word "cast," in the twentieth line, the words "in each parish," which motion prevailed, and the order as amended was adopted, viz:

Ordered, That upon the receipt of the said returns, it shall be the duty of the governor, the secretary of State, the attorney general and the state treasurer, in the presence of all such persons as may choose to attend, to compare the votes given in said election for the ratification and rejection of this constitution; and if it shall appear from said returns that a majority of all the votes given in said election is for ratifying the constitution, then it shall be the duty of the governor to make proclamation of that fact, and thenceforth this constitution shall be ordained and established as the constitution of Louisiana. But whether the constitution be accepted or rejected, it shall be the duty of the governor to cause to be published in the State paper, the result of the said election, showing the number of votes cast in each parish for and against the said constitution.

On motion, the third order was taken up, viz :

Ordered, That should this constitution be accepted by the people, it shall also be the duty of the governor forthwith to issue his proclamation, declaring the present legislature, elected under the old constitution, to be dissolved, and directing the several officers of the State, authorized by law, to hold elections for members of the general assembly, to hold an election at the places designated by law, upon the third Monday in January next, (1846) for governor, lieutenant governor, members of the general assembly, and all other officers whose election is provided for pursuant to the provisions of this constitution. And the said election shall be conducted, and the returns thereof made in conformity with the existing laws upon the subject of State elections.

Mr. LEDOUX moved to amend said order by striking out the word "January."

The yeas and nays being called for,

Messrs. Cénas, Claiborne, Covillion, Downs, Eustis, Garcia, Garrett, Humble, Labauve, Ledoux, Marigny, Prescott of St. Landry, Scott Baton of Rouge, Soulé, Taylor of Assumption and Voorhies voted in the affirmative—16 yeas; and

Messrs. Aubert, Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Chambliss, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Guion, Hudspeth, Hynson, Kenner, Legendre, Lewis, McCallop, McRae, Mayo, Peets, Porter, Preston, Pugh, Read, Roman, Roselius, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of St. Landry, Waddill, Wederstrandt, Winchester and Winder voted in the negative—40 nays; consequently said motion was lost, and the order as reported was adopted.

On motion, the fourth order was taken up and adopted, viz :

Ordered, That the general assembly, elected under this constitution, shall convene at the state house, in the city of New Orleans, upon the second Monday of February next, after the election, (1846); and that the governor and lieutenant governor, elected at the same time, shall be duly installed in office during the first week of their session, and before it shall be competent for the said general assembly to proceed with the transaction of business.

On motion, the report as amended was adopted, to wit:

Ordered, That immediately after the adjournment of this Convention, the governor shall issue his proclamation, directing the several officers of this State, authorized by law to hold elections for members of the general assembly, to open and hold an election in every parish of the State, at the places designated by law, upon the first Monday of November next, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this constitution. And it shall be the duty of the said officers to receive the votes of all persons entitled to vote under the old constitution, and under this constitution. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written "the constitution accepted" or "the constitution rejected," or some such words as will distinctly convey the intention of the voter. At the conclusion of the said election, which shall be conducted in every respect as the general State election is now conducted, the commissioners and parish judges designated to preside over the same, shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the secretary of State, in conformity to the provisions of the existing law upon the subject of elections.

Ordered, That upon the receipt of the said returns, it shall be the duty of the governor, the secretary of state, the attorney general and the state treasurer, in the presence of all such persons as may choose to attend, to compare the votes given in said election for the ratification and rejection of this constitution; and if it shall appear from said returns that a majority of all the votes given in said election is for ratifying the constitution, then it shall be the duty of the governor to make proclamation of that fact, and thenceforth this constitution shall be ordained and established as the constitution of Louisiana. But whether the constitution be accepted or rejected, it shall be the duty of the governor to cause to be published in the State paper the result of the said election, showing the number of votes cast in each parish for or against the said constitution.

Ordered, That should this constitution be accepted by the people, it shall also be

the duty of the governor forthwith to issue his proclamation, declaring the present legislature, elected under the old constitution to be dissolved, and directing the several officers of the State, authorised by law, to hold elections for members of the general assembly, to hold an election at the places designated by law, upon the third Monday in January next, (1846,) for governor, lieutenant governor, members of the general assembly, and all other officers whose election is provided for pursuant to the provisions of this constitution. And the said election shall be conducted, and the returns thereof made in conformity with the existing laws upon the subject of State elections.

Ordered, That the general assembly elected under this constitution, shall convene at the state house, in the city of New Orleans, upon the second Monday of February next, after the election, (1846); and that the governor and lieutenant governor, elected at the same time, shall be duly installed in office during the first week of their session, and before it shall be competent for the said general assembly to proceed with the transaction of business.

Mr. READ, on behalf of the committee on contingent expenses, submitted the following report, viz :

The committee on contingent expenses have carefully examined the claims-presented by Jerome Bayon, and by Messrs. Besançon, Ferguson and Co., and have come to the conclusion that the sum of three thousand dollars should be allowed to Mr. Jerome Bayon, in full payment for all printing (including subscription for the paper) already done and remaining to be done; and that the sum of three thousand three hundred and sixty dollars should be allowed Messrs. Besançon, Ferguson & Co., in full payment for all printing (including subscription for paper) already done and remaining to be done; and the committee recommend that said sums be paid to the printers, deducting therefrom the sum of five hundred dollars paid to Mr. Bayon, and the sum of twelve hundred and fifty dollars paid to Messrs. Besançon, Ferguson & Co., and that the said committee be authorised to issue a warrant in favor of Mr. Jerome Bayon, for the sum of two thousand five hundred dollars, and a warrant in favor of Messrs. Besançon, Ferguson &

Co., for the sum of two thousand one hundred and ten dollars,—these being the amounts allowed after making the above deductions.

(Signed,)

A. READ,
J. P. BENJAMIN,
L. SAUNDERS,
C. ROSELIUS.

Mr. BEATTY offered the following resolution, and the same was adopted, viz :

Resolved, That the printers be furnished with copies of all the articles of the constitution, to be printed for the use of the Convention, by Monday next.

On motion, the Convention adjourned till 9 o'clock, a. m.

NOTE.—Members absent at the call of the roll: Messrs. O'Bryan, Penn and Prescott of Avoyelles absent on leave; Mr. Porche absent on account of sickness, and Messrs. Benjamin, Boudousquie, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Downs, Eustis, Garcia, Grymes, Guion, King, Labauve, Ledoux, Marigny, Ratliff, Roselius, St. Amand, Trist, Wikoff and Winchester did not answer to their names at the call of the roll.

MONDAY, May 12, 1845.

The Convention met pursuant to adjournment.

In the absence of a minister of the gospel the Hon. Mr. STEPHENS, at the request of the president, opened the proceedings with prayer.

Mr. EUSTIS, chairman of the committee of revision, reported the preamble, and the same was adopted as reported, viz :

"We, the people of the State of Louisiana, do ordain and establish this constitution."

The committee of revision reported the general provisions, for a second reading; the same was read, and adopted as reported, viz :

TITLE IV.

GENERAL PROVISIONS.

ART. 89. Members of the general assembly, and all officers, before they enter upon the duties of their offices shall take the following oath or affirmation :

I (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding,

agreeably to the constitution and laws of the United States, and of this State; and I do further solemnly swear (or affirm) that since the adoption of the present constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending, so help me God."

ART. 90. Treason against the State shall consist only in levying war against, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

ART. 91. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given, or offered a bribe to procure his election or appointment.

ART. 92. Laws shall be made to exclude from office and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon from power, bribery, tumult or other improper practice.

ART. 93. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

ART. 94. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitration.

ART. 95. All civil officers for the State at large shall reside within the State, and all district or parish officers within their districts or parishes, and shall keep their offices at such places therein as may be required by law. No person shall be elected or appointed to any parish office

who shall not have resided in such parish long enough before such election, or appointment, to have acquired the right of voting in such parish; and no person shall be elected or appointed to any district office, who shall not have resided in such district, or an adjoining district, long enough before such appointment or election, to have acquired the right of voting in the same.

ART. 96. The duration of all offices not fixed by this constitution shall never exceed four years.

ART. 97. All civil officers, except the governor, and judges of the supreme and district courts, shall be removeable by an address of a majority of the members of both houses, except those the removal of whom has been otherwise provided for by this constitution.

ART. 98. Absence on business of this State or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this constitution.

ART. 99. It shall be the duty of the legislature to provide by law for deductions from the salaries of public officers who may be guilty of a neglect of duty.

ART. 100. The legislature shall point out the manner in which a person coming into the State shall declare his residence.

ART. 101. In all elections by the people the vote shall be by ballot, and in all elections by the senate and house of representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 102. No member of congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly, or hold or exercise any office of trust or profit under the State.

ART. 103. The laws, the public records and the judicial and legislative written proceedings of the State shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

ART. 104. The secretary of the senate and clerk of the house of representatives shall be conversant with the French and

English languages; and members may address either house in the French or English language.

ART. 105. The general assembly shall direct by law how persons who are now or may hereafter become sureties for public officers may be discharged from such suretyship.

ART. 106. No power of suspending the laws of this State shall be exercised, unless by the legislature or its authority.

ART. 107. Prosecutions shall be by indictment, or information. The accused shall have a speedy public trial by an impartial jury of the vicinage; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right, unless he shall have fled from justice, of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

ART. 108. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

ART. 109. No *ex-post facto* law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

ART. 110. The press shall be free. Every citizen may freely speak, write, and publish his sentiments on all subjects; being responsible for an abuse of this liberty.

ART. 111. Emigration from the State shall not be prohibited.

ART. 112. The general assembly which shall meet after the first election of representatives under this constitution, shall, within the first month after the commencement of the session, designate and fix the seat of government, at some place not less than sixty miles from the city of New Orleans, by the nearest travelling route; and if on the Mississippi river, by the meanders of the same; and when so fixed, it shall not be removed without the consent of four-fifths of the members of both houses of the general assembly. The sessions shall be held in New Orleans until the end of the year 1848.

ART. 113. The legislature shall not pledge the faith of the State for the payment of any bonds, bills or other contracts or obligations for the benefit or use of any person or persons, corporation or body politic whatever. But the State shall have the right to issue new bonds in payment of its outstanding obligations or liabilities, whether due or not; the said new bonds, however, are not to be issued for a larger amount or at a higher rate of interest, than the original obligations they are intended to replace.

ART. 114. The aggregate amount of debts hereafter contracted by the legislature, shall never exceed the sum of one hundred thousand dollars, except in case of war to repel invasions or suppress insurrections, unless the same be authorised by some law, for some single object or work, to be distinctly specified therein; which laws shall provide ways and means, by taxation, for the payment of running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity of the capital borrowed, and said law shall be ir-repealable until principle and interest are fully paid and discharged, and shall not be put into execution until after its enactment by the first legislature returned by a general election after its passage.

ART. 115. The legislature shall provide by law for a change of venue in civil and criminal cases.

ART. 116. No lottery shall be authorized by this State, and the buying or selling of lottery tickets within this State is prohibited.

ART. 117. No divorce shall be granted by the legislature.

ART. 118. Every law enacted by the legislature shall embrace but one object, and that shall be expressed in the title.

ART. 119. No law shall be revived or amended by reference to its title; but in such case, the act revived, or section amended, shall be re-enacted and published at length.

ART. 120. The legislature shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases shall specify the several provisions of the laws it may enact.

ART. 121. The State shall not become subscriber to the stock of any corporation or joint stock company.

ART. 122. No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges.

ART. 123. Corporations shall not be created in this State by special laws except for political or municipal purposes; but the Legislature shall provide by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited.

ART. 124. From and after the month of January 1890, the Legislature shall have the power to revoke the charters of all corporations whose charters shall not have expired previous to that time, and no corporations hereafter to be created shall ever endure for a longer term than twenty-five years, except those which are political or municipal.

ART. 125. The General Assembly shall never grant any exclusive privilege or monopoly, for a longer period than twenty years.

ART. 126. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace.

ART. 127. Taxation shall be equal and uniform throughout the State. After the year 1848 all property, on which taxes may be levied in this State, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied; the legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

ART. 128. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the legislature; *provided*, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor, recorders and aldermen shall be commissioned by the governor as justices of the peace, and the legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

ART. 129. The legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

ART. 130. Any citizen of this State who shall, after the adoption of this constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this constitution.

ART. 131. The legislature shall have power to extend this constitution, and the jurisdiction of this State over any territory acquired by compact with any State, or with the United States, the same being done by the consent of the United States.

ART. 132. The constitution and laws of this State shall be promulgated in the English and French languages.

The report of the committee of revision on public education was submitted by Mr. Roman, and the same was adopted, viz :

TITLE VII.

PUBLIC EDUCATION.

ART. 133. There shall be appointed a superintendent of public education, who shall hold his office for two years. His duties shall be prescribed by law. He shall receive compensation as the legislature may direct.

ART. 134. The legislature shall establish free public schools throughout the State, and shall provide means for their support by taxation on property or otherwise.

ART. 135. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent; which interest together with all the rents of the unsold lands, shall be appropriated to the support of such

schools, and this appropriation shall remain inviolable.

ART. 136. All moneys arising from the sale which have been or may hereafter be made of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which at six per cent per annum, shall be appropriated to the support of a seminary of learning for the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said seminary of learning.

ART. 137. An university shall be established in the city of New Orleans. It shall be composed of four faculties, to wit: one of law, one of medicine, one of the natural sciences, and one of letters.

ART. 138. It shall be called "the University of Louisiana," and the Medical College of Louisiana as at present organized, shall constitute the faculty of medicine.

ART. 139. The legislature shall provide by law, for its further organization and government; but shall be under no obligation to contribute to the establishment or support of said university by appropriations.

Mr. CONRAD of Orleans, offered the following section, which was adopted, and the same transferred to the executive department, viz:

"The governor shall have power to fill vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for by this constitution; but no person who has been nominated for office, and rejected by the senate, shall be appointed to the same office during the recess of the senate."

Mr. CONRAD of Orleans then offered the following additional section, viz:

"The legislature may delegate to political corporations the power to pass local ordinances; *provided*, that such corporations shall not have power to borrow money or issue their bonds or obligations except for purposes strictly relative to the administration of municipal affairs."

Mr. WADSWORTH moved to amend the said section, by adding at the end of the

same the words "and for purposes of public education;" which motion prevailed, and the amendment adopted.

Mr. BEATTY moved to lay on the table, indefinitely, the section as amended.

The yeas and nays being called for,

Messrs. *Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Humble, McCallop, McRae, Penn, Porter, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Taylor of St. Landry and Waddill* voted in the affirmative—21 yeas; and

Messrs. *Benjamin, Boudousquie, Briant, Cenas, Chinn, Claiborne, Conrad of Orleans, Covillion, Culbertson, Derbes, Dunn, Eustis, Garcia, Kenner, Legendre, Lewis, Marigny, Mayo, Peets, Prescott of St. Landry, Roman, St. Amand, Saunders, Soulé, Splane, Stephens, Taylor of Assumption, Voorhies, Wadsworth, Wederstrandt and Winchester* voted in the negative—31 nays; consequently said motion was lost.

Mr. BRENT moved to amend said section by striking out the words "except for purposes strictly relative to the administration of their municipal affairs, and for purposes of public education."

The yeas and nays being called for,

Messrs. *Brazeale, Brent, Brumfield, Cade, Carriere, Chambliss, Covillion, Garrett, Humble, Hynson, Legendre, McCallop, McRae, Penn, Porter, Prescott of St. Landry, Prudhomme, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Waddill and Wederstrandt* voted in the affirmative—26 yeas; and

Messrs. *Aubert, Beatty, Benjamin, Boudousquie, Briant, Burton, Cenas, Chinn, Claiborne, Conrad of Orleans, Culbertson, Derbes, Dunn, Garcia, Guion, Kenner, Labauve, Legendre, Lewis, Marigny, Mayo, Roman, St. Amand, Saunders, Soulé, Taylor of Assumption, Voorhies, Wadsworth, Winchester and Winder* voted in the negative—36 nays; consequently said motion was lost.

Mr. MAYO then offered to amend said section by adding to the same, the following proviso, viz:

"*Provided*, that no authority shall ever be granted by the legislature to any corporations to exercise any banking or discounting privileges, nor to issue notes, bills or obligations of any kind to be used

as currency, and that no corporation shall ever be permitted to exercise any such powers."

Mr. BRENT offered as a substitute for the provision offered by Mr. Mayo, the following, viz :

"*Provided further*, that no political corporation shall ever be authorized to issue any notes, or bills or other obligations, payable to bearer or endorsed in blank."

Mr. BRENT moved for the adoption of the same.

The yeas and nays being called for,

Messrs. *Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Downs, Garrett, Hudspeth, Humble, Hynson, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porter, Prescott* of St. Landry, *Prudhomme, Read, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Soule, Splane, Stephens, Taylor* of Assumption, *Voorhies, Waddill, Wadsworth* and *Wederstrandt* voted in the affirmative—40 yeas; and

Messrs. *Aubert, Benjamin, Boudousquie, Briant, Cenas, Chinn, Claiborne, Conrad* of Orleans, *Culbertson, Derbes, Dunn, Guion, Kenner, Legendre, Roman, St. Amand, Saunders, Taylor* of St. Landry and *Winchester* voted in the negative—19 nays; consequently said motion was carried and the substitute was adopted.

Mr. BEATTY moved to amend said section by striking out the words, "the legislature may delegate to political corporations the power to pass local ordinances, provided that such," and insert at the commencement of said section the word "municipal."

The yeas and nays being called for,

Messrs. *Beatty, Bourg, Brazeale, Brent, Burton, Cade, Carriere, Cenas, Chambliss, Chinn, Claiborne, Covillion, Culbertson, Derbes, Downs, Humble, Hynson, McCallop, Peets, Penn, Porter, Prescott* of St. Landry, *Prudhomme, Read, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Soule, Splane, Stephens, Taylor* of Assumption, *Taylor* of St. Landry, *Voorhies, Waddill, Wederstrandt* and *Winder* voted in the affirmative—38 yeas; and

Messrs. *Aubert, Benjamin, Briant, Conrad* of Orleans, *Dunn, Garrett, Guion, Hudspeth, Kenner, Legendre, Lewis, Mayo, Roman, Roselius, St. Amand, Saunders, Wadsworth* and *Winchester* voted in the

negative—18 nays; consequently said motion was carried.

The yeas and nays being called for on the adoption of the section as amended, viz:

"Municipal corporations shall never be authorized to borrow, or issue their bonds or obligations; except for purposes strictly relative to the administration of their municipal offices, and for purposes of public education. *Provided further*, that no political corporation shall ever be authorized to issue any notes or bills or obligations, payable to order, or endorsed in blank,"

Messrs. *Beatty, Bourg, Carriere, McCallop* and *Voorhies* voted in the affirmative—5 yeas; and

Messrs. *Benjamin, Brazeale, Briant, Brent, Burton, Cade, Cenas, Chambliss, Chinn, Claiborne, Conrad* of Orleans, *Covillion, Culbertson, Derbes, Downs, Dunn, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Legendre, Lewis, Mayo, Porter, Peets, Prescott* of Avoyelles, *Prescott* of St. Landry, *Prudhomme, Read, Roman, Roselius, St. Amand, Saunders, Scott* of Baton Rouge, *Scott* of Feliciana, *Scott* of Madison, *Sellers, Soule, Splane, Stephens, Taylor* of Assumption, *Taylor* of St. Landry, *Waddill, Wadsworth, Wederstrandt, Winchester* and *Winder* voted in the negative—50 nays; consequently said motion was lost.

Mr. SOULE submitted the following resolution, and the same was adopted, viz:

"*Resolved*, That the constitution be enrolled so as to substitute the division by *titles* to that of *articles*, and that the sections be amended under the name of articles, in a continuing run of figures, from the first to the last.

On motion the preamble was taken up for its third reading and adopted, viz:

CONSTITUTION OF THE STATE OF LOUISIANA.

PREAMBLE.

"We, the people of the State of Louisiana, do ordain and establish this Constitution."

On motion, the distribution of powers was taken up for the third reading, and adopted, viz:

TITLE I.

DISTRIBUTION OF POWERS.

ART. 1. The powers of the government

of the State of Louisiana shall be divided into three distinct departments, and each of them confided to a separate body of magistracy, to wit: those which are legislative to one, those which are executive to another, and those which are judicial to another.

ART. 2. No one of these departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

On motion, the report of the committee of revision on the judiciary department was taken up for its third reading, viz:

TITLE IV.

JUDICIARY DEPARTMENT.

ART. 62. The Judicial power shall be vested in a supreme court, in district courts and in justices of the peace.

ART. 63. The supreme court, except in cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars, to all cases in which the constitutionality or legality of any tax, toll or impost of any kind or nature soever, shall be in contestation, whatever may be the amount thereof; and likewise to all fines, forfeitures and penalties imposed by municipal corporations, and in criminal cases on questions of law alone, whenever the punishment of death or hard labor may be inflicted, or when a fine exceeding three hundred dollars is actually imposed.

ART. 64. The supreme court shall be composed of one chief justice, and of three associate judges, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of six thousand dollars, and each of the associate judges a salary of five thousand five hundred dollars annually. The said court shall appoint its own clerks. The said judges shall be appointed for the term of eight years.

ART. 65. When the first appointments are made under this constitution, the chief justice shall be appointed for eight years, one of the associate judges for six years, one for four years and one for two years; and in the event of the death, resignation or removal of any of said judges, before the expiration of the period for which he

was appointed, his successor shall be appointed only for the remainder of his term: so that the term of service of no two judges shall expire at the same time.

ART. 66. The supreme court shall hold its sessions in New Orleans from the first Monday of the month of November to the end of the month of June, inclusive. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 67. The supreme court, and each of the judges thereof shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process, in all cases in which they may have appellate jurisdiction.

ART. 68. In all cases in which the judges shall be equally divided in opinion, the judgment appealed from shall stand affirmed; in which case each of the judges shall give his separate opinion in writing.

ART. 69. All judges by virtue of their office shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on "in the name, and by the authority of the State of Louisiana," and conclude "against the peace and dignity of the same."

ART. 70. The judges of all the courts within this State shall, as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgement may be rendered, and in all cases adduce the reasons on which their judgment is founded.

ART. 71. No court or judge shall make any allowance by way of fee or compensation in any suit or proceedings, except for the payment of such fees to ministerial officers as may be established by law.

ART. 72. No duties or functions shall ever be attached by law to the supreme or district courts, or to the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office, or other compensation than their salaries for any civil duties performed by them.

ART. 73. The judges of all courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address

of three-fourths of the members present of each house of the general assembly. In every such case, the cause or causes for which such removal may be required shall be stated at length in the address, and inserted in the journal of each house.

ART. 74. There shall be an attorney general for the State, and as many district attorneys as may be hereafter found necessary. They shall hold their offices for two years; their duties shall be determined by law.

ART. 75. The first legislature assembled under this constitution shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year thereafter.

The number of districts shall not be less than twelve, nor more than twenty.

For each district one judge, learned in the law, shall be appointed, except in the districts in which the cities of New Orleans and Lafayette are situated, in which the legislature may establish as many district courts as the public interest may require.

ART. 76. Each of the said judges shall receive a salary to be fixed by law; which shall not be increased or diminished during his term of office, and shall never be less than two thousand five hundred dollars annually. He must be a citizen of the United States, over the age of thirty years, and have resided in the State six years next preceding his appointment, and have practiced law therein for the space of five years.

ART. 77. The judges of the district courts shall hold their offices for the term of six years. The judges first appointed shall be divided by lot into three classes, as nearly equal as can be, and the term of office of the judges of the first class shall expire at the end of two years, of the second class at the end of four years, and of the third class at the end of six years.

ART. 78. The district courts shall have original jurisdiction in all civil cases when the amount in dispute exceeds fifty dollars, exclusive of interest. In all criminal cases, and in all matters connected with successions, their jurisdiction shall be unlimited.

ART. 79. The legislature shall have power to vest in clerks of courts authority to

grant such orders, and do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the powers thus granted shall be specified and determined.

ART. 80. The clerks of the several courts shall be removable for breach of good behavior, by the judges thereof; subject, in all cases, to an appeal to the supreme court.

ART. 81. The jurisdiction of justices of the peace shall never exceed, in civil cases the sum of one hundred dollars, exclusive of interest, subject to an appeal to the district court in such cases as shall be provided for by law. They shall be elected by the qualified voters in each parish, for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

ART. 82. Clerks of the district courts in this State shall be elected by the qualified electors in each parish, for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by the judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

ART. 83. A sheriff and a coroner shall be elected in each parish, by the qualified voters thereof, who shall hold their offices for the term of two years, unless sooner removed.

Should a vacancy occur in either of these offices, subsequent to an election, it shall be filled by the governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

Mr. CONRAD of Orleans moved to amend the first section, by adding after the words "justices of the peace," in the third line, the words "and such other courts, in the city of New Orleans, as the legislature may from time to time direct."

Mr. BEATTY moved to amend the amendment by striking out the words "New Orleans."

Mr. BENJAMIN moved to lay both amendments on the table indefinitely.

The yeas and nays being called for,
Messrs. Aubert, Beatty, Benjamin, Bourg, Brazeale, Brent, Burton, Cade, Carriere, Chambliss, Chinn, Eustis, Guion, Huds-peth, Humble, Hynson, Kenner, Ledoux, Lewis, McCallop, McRac, Mayo, Peets,

Penn, Prescott of Avoyelles, Prescott of St. Landry, Scott of Baton Rouge, Sellers, Splane, Stephens, Taylor of St. Landry, Voorhies, Waddill, Wadsworth, Winches-ther and Winder voted in the affirmative—43 yeas; and

Messrs. Briant, Claiborne, Conrad of Orleans, Covillion, Culbertson, Derbes, Downs, Legendre, Marigny, Porter, St. Amand, Saunders, Scott of Feliciana, Sou-lé and Taylor of Assumption voted in the negative—15 nays; consequently said motion was carried.

Mr. TAYLOR of Assumption submitted the following resolution, which was adopted, viz:

Resolved, That Mr. PENN, the senatorial delegate from the parishes of Washington, Livingston and St. Helena be permitted to record his vote in the negative on the salary of the judges of the supreme court, as allowed by the third section of the judiciary power.

Mr. ROSELIUS moved to amend the 8th section by adding at the end of the same the following, viz:

“And in case the judges should all be of opinion that the judgment appealed from ought to be reversed, but are equally divided as to the judgment to be rendered, then the opinion of the chief justice shall prevail.”

Which amendment was lost.

On motion of Mr. TAYLOR of Assumption, the judiciary article, as read above, was adopted, as follows, viz:

TITLE IV.

JUDICIARY DEPARTMENT.

ART. 62. The judicial power shall be vested in a supreme court, in district courts and in justices of the peace.

ART. 63. The supreme court, except in cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars, to all cases in which the constitutionality of any tax, toll, or impost of any kind or nature soever, shall be in contestation, whatever may be the amount thereof; and likewise to all fines, forfeitures and penalties imposed by municipal corporations; and in criminal cases on questions of law alone, whenever the punishment of death or hard labor may be inflicted, or when a

fine exceeding three hundred dollars is actually imposed.

ART. 64. The supreme court shall be composed of one chief justice and of three associate judges, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of six thousand dollars, and each of the associate judges a salary of five thousand five hundred dollars, annually. The said court shall appoint its own clerks. The said judges shall be appointed for the term of eight years.

ART. 65. When the first appointments are made under this constitution, the chief justice shall be appointed for the term of eight years, one of the associate judges for six years, one for four years and one for two years; and in the event of the death, resignation, or removal of any of said judges, before the expiration of the period for which he was appointed, his successor shall be appointed only for the remainder of his term: so that the term of office of no two of said judges shall expire at the same time.

ART. 66. The supreme court shall hold its sessions in New Orleans from the first Monday of the month of November to the end of the month of June, inclusive. The legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 67. The supreme court, and each of the judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process, in all cases in which they may have appellate jurisdiction.

ART. 68. In all cases in which the judges shall be equally divided in opinion, the judgment appealed from shall stand affirmed; in which case each of the judges shall give his separate opinion in writing.

ART. 69. All judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be “the State of Louisiana.” All prosecutions shall be carried on “in the name and by the authority of the State of Louisiana,” and conclude “against the peace and dignity of the same.”

ART. 70. The judges of all courts within this State shall, as often as it is possible so to do, in every definitive judgment, re-

fer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which such judgment is founded.

ART. 71. No court or judge shall make any allowance by way of fee or compensation in any suit or proceedings, except for the payment of such fees to the ministerial officers as may be established by law.

ART. 72. No duties or functions shall ever be attached by law to the supreme or district courts, or to the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office, or other compensation than their salaries for any civil duties performed by them.

ART. 73. The judges of all courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of three-fourths of the members present of each house of the general assembly. In every such case, the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each house.

ART. 74. There shall be an attorney general for the State, and as many district attorneys as may be hereafter found necessary. They shall hold their offices for two years; their duties shall be determined by law.

ART. 75. The first legislature assembled under this constitution, shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year thereafter.

The number of districts shall not be less than twelve, nor more than twenty.

For each district one judge, learned in the law shall be appointed, except in the district in which the cities of New Orleans and Lafayette are situated, in which the legislature may establish as many district courts as the public interest may require.

ART. 76. Each of the said judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than two thousand five hundred dollars annually. He must be a citizen of

the United States, over the age of thirty years, and have resided in the State for six years next preceding his appointment, and have practiced law therein for the space of five years.

ART. 77. The judges of the district courts shall hold their offices for the term of six years. The judges first appointed shall be divided by ballot into three classes, as nearly equal as can be; and the term of office of the judges of the first class shall expire at the end of two years, of the second class at the end of four years, and of the third class at the end of six years.

ART. 78. The district courts shall have original jurisdiction in all civil cases when the amount in dispute exceeds fifty dollars, exclusive of interest. In all criminal cases, and in all matters connected with successions, their jurisdiction shall be unlimited.

ART. 79. The legislature shall have power to vest in clerks of courts authority to grant such orders, and do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases the powers thus granted shall be specified and determined.

ART. 80. The clerks of the several courts shall be removable, for breach of good behavior, by the judges thereof; subject in all cases to an appeal to the supreme court.

ART. 81. The jurisdiction of justices of the peace shall never exceed in civil cases the sum of one hundred dollars, exclusive of interest, subject to an appeal to the district court in such cases as shall be provided for by law. They shall be elected by the qualified voters of each parish, for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

ART. 82. Clerks of the district courts in this State shall be elected by the qualified electors in each parish for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by the judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

ART. 83. A sheriff and a coroner shall be elected in each parish, by the qualified voters thereof, who shall hold their offices

for the term of two years, unless sooner removed.

Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

On motion the report of the committee of revision on the executive department was taken up for third reading and adopted, viz :

TITLE III.

EXECUTIVE DEPARTMENT.

ART. 38. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the governor of the State of Louisiana. He shall hold his office during the term of four years; and together with the lieutenant governor chosen for the same term, be elected as follows:—The qualified electors for representatives, shall vote for a governor and lieutenant governor, at the time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the secretary of state; who shall deliver them to the speaker of the house of representatives on the second day of the session of the general assembly, then next to be holden. The members of the general assembly shall meet in the house of representatives, to examine and count the votes. The person having the greatest number of votes for governor shall be declared duly elected, but if two or more persons shall be equal and highest in the number of votes polled for governor, one of them shall immediately be chosen governor by joint vote of the members of the general assembly. The person having the greatest number of votes for lieutenant governor shall be lieutenant governor, but if two or more persons shall be equal and highest in the number of votes polled for lieutenant governor, one of them shall be immediately chosen lieutenant governor by joint vote of the members of the general assembly.

ART. 39. No person shall be eligible to the office of governor or lieutenant governor, who shall not have attained the age of thirty-five years, been fifteen years a citizen of the United States, and a resident within this State for the same space of time next preceding his election.

ART. 40. The governor shall enter on

the discharge of his duties on the fourth Monday of January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected, and shall have taken the oath or affirmation prescribed by this Constitution.

ART. 41. The governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

ART. 42. No member of congress or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor or lieutenant governor.

ART. 43. In case of the impeachment of the governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the governor, absent or impeached, shall return or be acquitted. The legislature may provide by law for the case of removal, impeachment, death, resignation, disability; or refusal to qualify, of both the governor and lieutenant governor, declaring what officer shall act as governor, and such officer shall act accordingly, until the disability be removed, or for the residue of the term.

ART. 44. The lieutenant governor, or other officer discharging the duties of governor, shall, during his administration, receive the same compensation to which the governor would have been entitled, had he continued in office.

ART. 45. The lieutenant governor shall, by virtue of his office, be president of the senate, but shall have only a casting vote therein. Whenever he shall administer the government, or shall be unable to attend as president of the senate the senators shall elect one of their own members as president of the senate for the time being.

ART. 46. While he acts as president of the senate, the lieutenant governor shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more.

ART. 47. The governor shall have power to grant reprieves for all offences against the State, and except in cases of impeach-

ment, shall, with the consent of the senate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves, until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

ART. 48. The governor shall at stated times receive for his services a compensation, which shall neither be increased or diminished during the term for which he shall have been elected.

ART. 49. He shall be commander-in-chief of the army and navy of this State and of the militia thereof, except when they shall be called into the service of the United States.

ART. 50. He shall nominate, and by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution, and whose appointment is not therein otherwise provided for: Provided, however, that the legislature shall have a right to prescribe the mode of appointment to all other offices established by law.

ART. 51. The governor shall have power to fill vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this constitution; but no person who has been nominated for office, and rejected by the senate, shall be appointed to the same office during the recess of the senate.

ART. 52. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

ART. 53. He shall from time to time, give to the general assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

ART. 54. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place if that should become dangerous from an enemy or from epidemics; and in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

ART. 55. He shall take care that the laws be faithfully executed.

ART. 56. Every bill which shall have

passed both houses shall be presented to the governor; if he approve he shall sign it, if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if after such reconsideration two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

ART. 57. Every order, resolution or vote to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved [by him, or being disapproved, shall be repassed by two-thirds of the members elected to each house of the general assembly.

ART. 58. There shall be a secretary of state, who shall hold his office during the time for which the governor shall have been elected. The records of the State shall be kept and preserved in the office of the secretary; he shall keep a fair register of the official acts and proceedings of the governor, and when necessary shall attest them. He shall, when required, lay the said register, and all papers, minutes and vouchers relative to his office, before either house of the general assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 59. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal and signed by the governor.

ART. 60. The free white men of the State shall be armed and disciplined for

its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal services.

ART. 61. The militia of the State shall be organized in such manner as may be hereafter deemed most expedient by the legislature.

On motion of Mr. READ, acting chairman of the committee on contingent expenses, the report offered by him and laid on the table subject to call, was taken up, viz :

The committee on contingent expenses have carefully examined the claims presented by Jerome Bayon, and by Messrs. Besangon, Ferguson & Co., and have come to the conclusion that the sum of three thousand dollars should be allowed to Mr. Jerome Bayon, in full payment for all printing (including subscription for the paper) already done and remaining to be done; and that the sum of three thousand three hundred and sixty dollars should be allowed Messrs. Besangon, Ferguson & Co., in full payment for all printing (including subscription for paper) already done and remaining to be done; and the committee recommend that said sums be paid to the printers, deducting therefrom the sum of five hundred dollars paid to Mr. Bayon, and the sum of twelve hundred and fifty dollars paid to Messrs. Besangon, Ferguson & Co., and that the said committee be authorised to issue a warrant in favor of Mr. Jerome Bayon, for the sum of two thousand five hundred dollars, and a warrant in favor of Messrs. Besangon, Ferguson & Co., for the sum of two thousand one hundred and ten dollars,—these being the amounts allowed after making the above deductions.

(Signed,) A. READ,
J. P. BENJAMIN,
L. SAUNDERS,
C. ROSELIUS.

Mr. LEWIS moved to amend said report, by adding at the end of the same the words "and that the warrants shall not be delivered to the printers for the debates and journal until they are delivered to the secretary," which amendment was adopted—and the report as amended was adopted.

Mr. BRENT offered the following resolution, viz :

Resolved, That an additional compensation of five hundred dollars be allowed Messrs. Besangon, Ferguson & Co., printers in English to the Convention.

Mr. CHINN moved to lay the above resolution on the table indefinitely.

The yeas and nays being called for,

Messrs. *Aubert, Benjamin, Burton, Brumfield, Chinn, Covillion, Dunn, Garcia, Garrett, Labauve, McCallop, Penn, Scott* of Baton Rouge, *Sellers, Stephens, Taylor* of Assumption and *Winchester* voted in the affirmative—17 yeas; and

Messrs. *Beatty, Bourg, Brazeale, Brent, Cade, Carriere, Cénas, Chambliss, Covillion, Downs, Eustis, Guion, Humble, Hynson, Ledoux, Legendre, Lewis, McRae, Marigny, Mayo, Peets, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Preston, Prudhomme, Pugh, Read, Roman, Saunders, Scott* of Madison, *Taylor* of St. Landry, *Waddill, Wederstrandt* and *Winder* voted in the negative—35 nays; consequently said motion was lost.

Mr. BRENT moved for the adoption of the resolution.

The yeas and nays being called for,

Messrs. *Beatty, Brazeale, Brent, Cénas, Chambliss, Covillion, Downs, Eustis, Garrett, Humble, Hynson, Labauve, Ledoux, McCallop, McRae, Marigny, Mayo, Peets, Porter, Prescott* of Avoyelles, *Prescott* of St. Landry, *Preston, Read, Scott* of Baton Rouge *Scott* of Madison, *Taylor* of Assumption, *Waddill* and *Wederstrandt* voted in the affirmative—28 yeas; and

Messrs. *Benjamin, Bourg, Brumfield, Burton, Cade, Carriere, Conrad* of Jefferson, *Dunn, Garcia, Guion, Hudspeth, Legendre, Lewis, Penn, Prudhomme, Pugh, Roman, Saunders, Sellers, Stephens, Taylor* of St. Landry and *Winchester* voted in the negative—23 nays; consequently said motion was carried, and the resolution adopted.

Mr. MAYO offered the following resolution, and the same was adopted, viz :

Resolved, That the treasurer be directed to retain from the funds appropriated for the use of the Convention, an amount sufficient to pay the printers' claims for the debates and journals of the Convention.

On motion, the Convention adjourned till to-morrow, at 9 o'clock.

TUESDAY, MAY 13, 1845.

The Rev. Mr. CLARK opened the proceedings by prayer.

The Convention met pursuant to adjournment.

Mr. READ submitted the following resolution, and the same was adopted—viz :

Resolved, That the committee on contingent expenses be authorized to issue warrants in favor of Auguste Bruslé, for the sum of ninety-eight dollars and twenty five cents ; in favor of A. G. Penn, (for postage,) for the sum of one hundred and one dollars ; in favor of J. L. Vignaud (for winding and keeping in order the clock,) for the sum of ten dollars ; in favor of B. M. Norman, bookseller and stationer, for the sum of nine dollars and forty cents ; in favor of James Carpenter, for hire of Leon, to attend Hall &c., twenty-two dollars up to and including the 14th inst. in favor of C. Larien, (for ice,) for fourteen dollars.

On motion the schedule as reported by the committee of revision, was taken up for its second reading and adopted—viz :

TITLE IX.

SCHEDULE.

ART. 141. The Constitution adopted in 1812 is declared to be superseded by this Constitution, and in order to carry the same into effect, it is hereby declared and ordained as follows :

ART. 142. All rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith shall continue as if the same had not been adopted.

ART. 143. Until the first enumeration shall be made as directed in article eighth, of this Constitution, the parish of Orleans shall have twenty representatives, to be elected as follows, viz:

Eight by the First Municipality, seven by the Second Municipality, and four by the Third Municipality, to be distributed among the nine representative districts as follows, by allotting to the

First district,	two Rep.
Second “	two
Third “	three
Fourth “	three
Fifth “	three
Sixth “	two

Seventh district,	two
Eighth “	one
Ninth “	one

And to that part of the parish on the right bank of the Mississippi, one

The parish of Plaquemines, shall have three

“ St. Bernard,	one
“ Jefferson,	three
“ St. Charles,	one
“ St. John the Baptist,	one
“ St. James,	two
“ Ascension,	two
“ Assumption,	three
“ Lafourche Interior,	three
“ Terrebone,	two
“ Iberville,	two
“ West Baton Rouge,	one
“ East do.	three
“ West Feliciana,	two
“ East do	three
“ St. Helena,	one
“ Washington,	one
“ Livingston,	one
“ St. Tammany,	one
“ Point Coupée,	one
“ Concordia,	one
„ Tensas,	one
“ Madison,	one
“ Carroll,	one
“ Franklin,	one
„ St. Mary,	two
“ St. Martin,	three
“ Vermillion,	one
“ Lafayette,	two
“ St. Landry,	five
“ Calcasieu,	one
“ Avoyelles	two
“ Rapides,	three
“ Natchitoches,	three
“ Sabine,	two
“ Caddo,	one
“ De Soto,	one
“ Ouachita,	one
“ Morehouse,	one
“ Union	one
“ Jackson,	one
“ Caldwell,	one
“ Catahoula,	two
“ Claiborne,	two
“ Bossier,	one

Total, ninety-eight.

And the State shall be divided into the following senatorial districts :

All that portion of the parish of Orleans

lying on the east side of the Mississippi river shall compose one senatorial district, and shall elect four senators;

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans lying on the right bank of the river, shall compose one district, with one senator;

The parish of Jefferson shall compose one district, with one senator;

The parishes of St. Charles and St. John the Baptist shall compose one district, with one senator;

The parish of St. James shall compose one district, with one senator;

The parish of Ascension shall compose one district with one senator;

The parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators;

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator;

The parish of East Baton Rouge shall compose one district, with one senator;

The parish of Point Coupée shall compose one district, with one senator;

The parish of Avoyelles shall compose one district, with one senator;

The parish of St. Mary shall compose one district, with one senator;

The parish of St. Martin shall compose one district, with one senator;

The parishes of Lafayette and Vermilion shall compose one district, with one senator;

The parishes of St. Landry and Calcasieu, shall compose one district, with two senators;

The parish of West Feliciana shall compose one district, with one senator;

The parish of East Feliciana shall compose one district, with one senator;

The parishes of St. Helena and Livingston shall compose one district, with one senator;

The parishes of Washington and St. Tammany, shall compose one district, with one senator;

The parishes of Concordia and Tensas shall compose one district with one senator;

The parishes of Carroll and Madison shall compose one district, with one senator;

The parishes of Jackson, Union, More-

house and Ouachita shall compose one district, with one senator;

The parishes of Caldwell, Franklin and Catahoula shall compose one district, with one senator;

The parish of Rapides shall compose one district, with one senator;

The parishes of Bossier and Claiborne shall compose one district, with one senator;

The parish of Natchitoches shall compose one district, with one senator;

The parishes of Sabine, De Soto and Caddo shall compose one district, with one senator;

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken or to another contiguous district at the discretion of the legislature, but shall not be attached to more than one district.

ART. 144. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby; but the laws of the State relative to the duties of the several officers, executive, judicial and military, shall remain in full force, though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State according to the existing laws, until the organization of the government under this Constitution, and the entering into office of the new officers, to be appointed under said government, and no longer.

ART. 145. Appointments to office by the executive under this Constitution, shall be made by the governor to be elected under its authority.

ART. 146. The provisions of article 28, concerning the inability of members of the legislature to hold certain offices therein mentioned, shall not be held to apply to the members of the first legislature elected under this Constitution.

ART. 147. The time of service of all officers chosen by the people, at the first election under this Constitution, shall terminate as though the election had been holden on the first Monday of November 1845, and they had entered on the discharge of their duties at the time designated therein.

ART. 148. The legislature shall provide for the removal of all causes now pending

in the supreme or other courts of the courts under the Constitution of 1812, to State created by this Constitution.

ART. 149. Appeals to the supreme court from the parishes of Jackson, Union, Morehouse, Catahoula, Caldwell, Ouachita, Franklin, Carroll, Madison, Tensas, and Concoreia, shall until otherwise provided for, be returnable to New Orleans.

On motion of Mr. TAYLOR of Assumption, the report of the committee of revision on the legislative department was taken up, viz :

TITLE II.

LEGISLATIVE DEPARTMENT.

ART. 3. The legislative powers of the State shall be vested in two distinct branches, the one to be styled the "house of representatives," the other "the senate," and both "the general assembly of the State of Louisiana."

ART. 4. The members of the house of representatives shall continue in service for the term of two years from the day of the closing of the general elections.

ART. 5. Representatives shall be chosen on the first Monday in November, every two years; and the election shall be completed in one day. The general assembly shall meet every second year, on the third Monday in January next ensuing the election, unless a different day be appointed by law, and their session shall be held at the seat of government.

ART. 6. No person shall be a representative, who, at the time of his election, is not a free white male, and has not been for three years a citizen of the United States, and has not attained the age of twenty-one years, and resided in the State for the three years next preceding the election, and the last year thereof in the parish for which he may be chosen.

ART. 7. Elections for representatives for the several parishes or representative districts shall be held at the several election precincts established by law. The legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

ART. 8. Representation in the house of representatives, shall be equal and uniform, and shall be regulated and ascertained by the number of qualified electors. Each parish shall have at least one representative; no new parish shall be created with

a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the full number entitling it to a representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

The first enumeration to be made by the State authorities under this constitution shall be made in the year 1847, the second in the year 1855; and the subsequent enumerations shall be made every tenth year thereafter, in such manner as shall be prescribed by law for the purpose of ascertaining the total population and the number of qualified electors in each parish and election district.

At the first regular session of the legislature after the making of each enumeration, the legislature shall apportion the representation amongst the several parishes and election districts on the basis of qualified electors as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many representatives as the aggregate number of its electors will entitle it to, and an additional representative for any fraction exceeding one half the representative number. The number of representatives shall not be more than one hundred nor less than seventy.

That part of the parish of Orleans situated on the left bank of the Mississippi, shall be divided into nine representative districts, as follows, viz :

1st. First district to extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district to extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district to comprise the residue of the Second Municipality.

4th. Fourth district to extend from the middle of Canal street to the middle of St. Louis street, until it reaches the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district to extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the bayou St. John, thence along the middle of said bayou until it in-

tersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district to be composed of the residue of the First Municipality.

7th. Seventh district, from the middle Esplanade street to the middle of Champs Elysées street.

8th. Eighth district, from the middle of Champs Elysées street to the middle of Enghein street and Lafayette Avenue.

9th. Ninth district, from the middle of Enghein street and Lafayette Avenue to the lower limits of the parish.

ART. 9. The house of representatives shall choose its speaker and other officers.

ART. 10. In all elections by the people, every free white male who has attained the age of twenty-one years, and resided in the State two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting. *Provided*, that no person shall be deprived of the right of voting who at the time of the adoption of this constitution was entitled to that right under the constitution of 1812. Electors shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

ART. 11. Absence from the State for more than ninety consecutive days, shall interrupt the acquisition of the residence required in the preceding article, unless the person absenting himself shall be a house-keeper, or shall occupy a tenement for carrying on business, and his dwelling house or tenement for carrying on business shall be actually occupied during his absence, by his family or servants, or some portion thereof, or by some one employed by him.

ART. 12. No soldier, seaman or marine in the army or navy of the United States, no pauper, no person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in the State.

ART. 13. No person shall be entitled to vote at any election held in this State, except in the parish of his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

ART. 14. The members of the senate shall be chosen for the term of four years.

The senate when assembled, shall have the power to choose its officers every two years.

ART. 15. The legislature in every year in which they shall apportion representation in the house of representatives shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the legislature; but shall not be attached to more than one district. The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators.

ART. 16. In all apportionments of the senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty eight, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a senator; and if in the apportionment to be made, a parish or district fall short of or exceed the ratio, one-fifth, then a district may be formed having not more than two senators, but not otherwise.

No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment.

After an enumeration has been made as directed in the eighth article, the legislature shall not pass any laws until an apportionment of the representation in both houses of the general assembly be made.

ART. 17. At the first session of the general assembly, after this constitution takes effect, the senators shall be equally divided by lot into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year; so that one-half shall be chosen every two years, and a rotation thereby kept

up perpetually. In case any district shall have elected two or more senators, said senators shall vacate their seats respectively at the end of two and four years, and the lots shall be drawn between them.

ART. 18. No person shall be a senator, who at the time of his election, has not been a citizen of the United States ten years, and who has not attained the age of twenty-seven years, and resided in the State four years next preceding his election, and the last year thereof in the district in which he may be chosen.

ART. 19. The first election for senators shall be general throughout the State, and at the same time that the general election for representatives is held; and thereafter there shall be biennial elections to fill the place of those whose time of service may have expired.

ART. 20. Not less than a majority of the members of each house of the general assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised by law to compel the attendance of absent members.

ART. 21. Each house of the general assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

ART. 22. Each house of the general Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds expel a member, but not a second time for the same offence.

ART. 23. Each house of the general assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

ART. 24. Each house may punish by imprisonment any person not a member, for disrespectful and disorderly behavior, in its presence or for obstructing any of its proceedings. Such imprisonment shall not exceed ten days for any one offence.

ART. 25. Neither house, during the session of the general assembly, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

ART. 26. The members of the general

assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective houses.

The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alterations shall have been made. No session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days, shall be null and void. This provision shall not apply to the first legislature which is to convene after the adoption of this constitution.

ART. 27. The members of the general assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses; and going to or returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

ART. 28. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created or the emoluments of which shall have been increased during the time such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

ART. 29. No person, while he continues to exercise the functions of a clergyman, priest or teacher of any religious persuasion, society or sect, shall be eligible to the general assembly.

ART. 30. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the general assembly, or to any other office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

ART. 31. No bill shall have the force of a law until on three several days, it be read over in each house of the general assembly.

bly, and free discussion allowed thereon, unless in case of urgency, four-fifths of the house, where the bill shall be pending, may deem it expedient to dispense with this rule.

ART. 32. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in other bills; *provided*, they shall not introduce any new matter under the color of an amendment which does not relate to raising revenue.

ART. 33. The general assembly shall regulate by law, by whom, and in what manner, writs of election shall be issued, to fill the vacancies which may happen in either branch thereof.

ART. 34. A majority of all the members elected to the senate, shall be required for the confirmation or rejection of officers to be appointed by the governor, with the advice and consent of the senate; and the senate in deciding thereon, shall vote by yeas and nays, and the names of the senators voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

ART. 35. Returns of all elections for members of the general assembly shall be made to the secretary of state.

ART. 36. A treasurer of the State shall be elected biennially, by joint ballot of the two houses of the general assembly. The governor shall have the power to fill any vacancy that may happen in that office during the recess of the legislature.

ART. 37. In the year in which a regular election of a senator of the United States is to take place, the members of the general assembly shall meet in the hall of the house of representatives, on the Monday following the meeting of the legislature, and proceed to the said election.

Mr. CLAIBORNE moved to amend the fifteenth article by striking out the proviso which authorizes the legislature to divide the city of New Orleans into different senatorial districts. The yeas and nays being called for,

Messrs. Aubert, Beatty, Benjamin, Briant, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Guion, Labauve, Legendre, Marigny, Mazureau, Pugh, Roman, St. Amand, Saunders and

Winchester voted in the affirmative—24 yeas; and

Messrs. Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, DuBouchel, Garrett, Humble, Hynson, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Read, Scott of Madison, Scott of Feliciana, Scott of Baton Rouge, Sellers, Soulé, Splane, Stephens, Taylor of Assumption, Taylor of St Landry, Waddill, Wadsworth and Wederstrandt voted in the negative—32 nays; consequently said motion was lost.

Mr. BRENT moved to lay the eleventh article on the table indefinitely. The yeas and nays being called for,

Messrs. Brazeale, Brent, Cade, Carriere, Chambliss, Du Bouchel, Eustis, Garcia, Humble, Hynson, McRae, Marigny, Mayo, Peets, Porter, Prescott of Avoyelles, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Soulé, Splane, Stephens, Waddill and Wederstrandt, voted in the affirmative—25 yeas; and

Messrs. Aubert, Beatty, Benjamin, Boudousquière, Briant, Burton, Cénas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Garrett, Guion, Hudspeth, Kenner, Legendre, Lewis, McCallop, Mazureau, Prescott of St. Landry, Pugh, Roman, Saunders, Sellers, Taylor of Assumption, Taylor of St. Landry and Wadsworth, voted in the negative—31 nays; consequently said motion was lost.

Mr. CONRAD of New Orleans moved to amend the tenth article, by inserting in the first line, after the word "male," the words "who has been two years a citizen of the United States."

The yeas and nays being called for,

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Brent, Briant Brumfield, Burton, Carriere, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garrett, Guion, Hudspeth, Kenner, Labauve, Legendre, Lewis, McCallop, Mayo, Mazureau, Peets, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Pugh, Roman, St. Amand, Scott of Feliciana, Scott of Baton Rouge, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Wadsworth, Wederstrandt, Winchester and Winder voted in the affirmative—45 yeas; and

Messrs. Brazeale, DuBouchel, Garcia, Humble, McRae, Marigny, Porter, Read, Soule, Splane and Waddill voted in the negative —11 nays; consequently said motion was carried, and the section was adopted, as amended, viz:

TITLE II.

LEGISLATIVE DEPARTMENT.

ART. 3. The legislative power of the State shall be vested in two distinct branches, the one to be styled "the house of representatives," the other "the senate," and both "the general assembly of the State of Louisiana."

ART. 4. The members of the house of representatives shall continue in service for the term of two years from the day of the closing of the general elections.

ART. 5. Representatives shall be chosen on the first Monday in November, every two years, and the election shall be completed in one day. The general assembly shall meet every second year, on the third Monday in January next ensuing the election, unless a different day be appointed by law, and their session shall be held at the seat of government.

ART. 6. No person shall be a representative who, at the time of his election, is not a free white male, and has not been for three years a citizen of the United States, and has not attained the age of twenty-one years, and resided in the State for the three years next preceding the election, and the last year thereof in the parish for which he may be chosen.

ART. 7. Elections for representatives for the several parishes or representative districts shall be held at the several election precincts established by law. The legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

ART. 8. Representation in the house of representatives, shall be equal and uniform and shall be regulated and ascertained by the number of qualified electors. Each parish shall have at least one representative. No new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the full number entitling it to a representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

The first enumeration to be made by the State authorities under this constitution shall be made in the year 1847, the second in the year 1855, and the subsequent enumeration shall be made every tenth year thereafter, in such manner as shall be prescribed by law; for the purpose of ascertaining the total population and the number of qualified electors in each parish and election district.

At the first regular session of the legislature after the making of each enumeration, the legislature shall apportion the representation amongst the several parishes and election districts on the basis of qualified electors, as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many representatives as the aggregate number of its electors will entitle it to, and an additional representative for any fraction exceeding one half the representative number. The number of representatives shall not be more than one hundred nor less than seventy.

That part of the parish of Orleans situated on the left bank of the Mississippi shall be divided into nine representative districts, as follows, viz:

1st. First district to extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle, and Thalia streets.

2d. Second district to extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district to comprise the residue of the second municipality.

4th. Fourth district to extend from the middle of canal street to the middle of St. Louis street, until it reaches the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district to extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the bayou St. John, thence along the middle of said bayou until it intersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district to be composed of the residue of the first municipality.

7th. Seventh district from the middle of Esplanade street to the middle of Champs Elysées street.

8th. Eighth district from the middle of Champs Elysées street to the middle of Enghien street and Lafayette avenue.

9th. Ninth district from the middle of Enghien street and Lafayette avenue to the lower limits of the parish.

ART. 9. The house of representatives shall choose its speaker and other officers.

ART. 10. In all elections by the people every free white male who has been two years a citizen of the United States, who has attained the age of twenty-one years, and resided in the State two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting: *Provided*, that no person shall be deprived of the right of voting who at the time of the adoption of this constitution was entitled to that right under the constitution of 1812. Electors shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to or returning from elections.

ART. 11. Absence from the State for more than ninety consecutive days shall interrupt the acquisition of the residence required in the preceding article, unless the person absenting himself shall be a house-keeper, or shall occupy a tenement for carrying on business, and his dwelling house or tenement for carrying on business shall be actually occupied during his absence, by his family or servants, or some portion thereof, or by some one employed by him.

ART. 12. No soldier, seaman or marine in the army or navy of the United States, no pauper, nor person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in this State.

ART. 13. No person shall be entitled to vote at any election held in this State, except in the parish of his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

ART. 14. The members of the senate shall be chosen for the term of four years. The senate, when assembled, shall have the power to choose its officers every two years.

ART. 15. The legislature in every year

in which they shall apportion representation in the house of representatives shall divide the State into senatorial districts. No parish shall be divided in the formation of senatorial districts, the parish of Orleans excepted. And whenever a new parish shall be created it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the legislature; but shall not be attached to more than one district. The number of senators shall be thirty two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, that no parish shall be entitled to more than one eighth of the whole number of senators.

ART. 16. In all apportionments of the senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the result produced by this division shall be the senatorial ratio entitling a district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a senator; and if in the apportionment to be made, a parish or district fall short of or exceed the ratio, one-fifth, then a district may be formed having not more than two senators; but not otherwise.

No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment.

After an enumeration has been made as directed in the eighth article, the legislature shall not pass any laws until an apportionment of the representation in both houses of the general assembly shall be made.

ART. 17. At the first session of the general assembly, after this constitution takes effect, the senators shall be equally divided, by lot, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; so that one-half shall be chosen every two years, and a rotation thereby kept up perpetually.— In case any district shall have elected two

or more senators, said senators shall vacate their seats respectively at the end of two and four years, and the lots shall be drawn between them.

ART. 18. No person shall be a senator who at the time of his election has not been a citizen of the United States ten years, and who has not attained the age of twenty seven years, and resided in the State four years next preceding his election, and the last year thereof in the district in which he may be chosen.

ART. 19. The first election for senators shall be general throughout the State, and at the same time that the election for representatives is held; and thereafter there shall be biennial elections to fill the place of those whose time of service may have expired.

ART. 20. Not less than a majority of the members of each house of the general assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members.

ART. 21. Each house of the general assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

ART. 22. Each house of the general assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two thirds, expel a member, but not a second time for the same offence.

ART. 23. Each house of the general assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

ART. 24. Each house may punish by imprisonment any person, not a member, for disrespectful and disorderly behavior in its presence, or for obstructing any of its proceedings. Such imprisonment shall not exceed ten days for any one offence.

ART. 25. Neither house during the session of the general assembly, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

ART. 26. The members of the general

assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective houses. The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alteration shall have been made. No session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days, shall be null and void. This provision shall not apply to the first legislature which is to convene after the adoption of this constitution.

ART. 27. The members of the general assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

ART. 28. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during the time which such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

ART. 29. No person while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society or sect, shall be eligible to the general assembly.

ART. 30. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the general assembly, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

ART. 31. No bill shall have the force of a law until on three several days it be read over in each house of the general as-

sembly, and free discussion allowed thereon, unless in case of urgency, four-fifths of the house where the bill shall be pending may deem it expedient to dispense with this rule.

ART. 32. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments, as in other bills; provided they shall not introduce any new matter under the color of an amendment, which does not relate to the raising of revenue.

ART. 33. The general assembly shall regulate by law, by whom, and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ART. 34. A majority of all the members elected to the senate shall be required for the confirmation or rejection of officers to be appointed by the governor, with the advice and consent of the senate; and the senate in deciding thereon, shall vote by yeas and nays, and the names of the senators voting for and against the appointments respectively, shall be entered on a journal to kept for that purpose, and made public at the end of each session, or before.

ART. 35. Returns of all elections for members of the general assembly shall be made to the secretary of State.

ART. 36. A treasurer of the State shall be elected biennially, by joint ballot of the two houses of the general assembly. The governor shall have the power to fill any vacancy that may happen in that office during the recess of the legislature.

ART. 37. In the year in which a regular election of a senator of the United States is to take place, the members of the general assembly shall meet in the hall of the house of representatives, on the Monday following the meeting of the legislature, and proceed to the said election.

Mr. WINDER submitted the following resolution, viz:

Resolved, that the question on the final passage of this constitution be taken tomorrow at twelve o'clock, m., and that if a majority of the votes be in favor of its passage, that the same be adopted, and be signed by the president and such members of the Convention as may desire to sign it, and countersigned by the secretary.

Mr. CONRAD of Orleans moved to amend the same by striking out the words "and

such members of the Convention as may desire to sign it;" which motion was lost.

Mr. DOWNS moved to amend said resolution by inserting after the words "twelve o'clock, m.," the words "without debate;" which motion prevailed, and the resolution as amended was adopted, viz:

"*Resolved*, that the question on the final passage of this constitution be taken on tomorrow at twelve o'clock, m., without debate; and that if a majority of the votes be in favor of its passage, that the same be adopted, and be signed by the president and such members of the Convention as may desire to sign it, and attested by the secretary."

EVENING SESSION, May 13, 1845.

On motion of Mr. TAYLOR of Assumption, the general provisions were taken up for a third reading, viz:

TITLE IV.

GENERAL PROVISIONS.

ART. 89. Members of the general assembly, and all officers, before they enter upon the duties of their offices shall take the following oath or affirmation:

I (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States, and of this State; and I do further solemnly swear (or affirm) that since the adoption of the present constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending, so help me God."

ART. 90. Treason against the State shall consist only in levying war against, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

ART. 91. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given, or offered a bribe to procure his election or appointment.

ART. 92. Laws shall be made to exclude from office and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon from power, bribery, tumult or other improper practice.

ART. 93. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

ART. 94. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitration.

ART. 95. All civil officers for the State at large shall reside within the State, and all district or parish officers within their districts or parishes, and shall keep their offices at such places therein as may be required by law. No person shall be elected or appointed to any parish office who shall not have resided in such parish long enough before such election, or appointment, to have acquired the right of voting in such parish; and no person shall be elected or appointed to any district office, who shall not have resided in such district, or an adjoining district, long enough before such appointment or election, to have acquired the right of voting in the same.

ART. 96. The duration of all offices not fixed by this constitution shall never exceed four years.

ART. 97. All civil officers, except the governor, and judges of the supreme and district courts, shall be removeable by an address of a majority of the members of both houses, except those the removal of whom has been otherwise provided for by this constitution.

ART. 98. Absence on business of this State or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office

under the exceptions contained in this constitution.

ART. 99. It shall be the duty of the legislature to provide by law for deductions from the salaries of public officers who may be guilty of a neglect of duty.

ART. 100. The legislature shall point out the manner in which a person coming into the State shall declare his residence.

ART. 101. In all elections by the people the vote shall be by ballot, and in all elections by the senate and house of representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 102. No member of congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly, or hold or exercise any office of trust or profit under the State.

ART. 103. The laws, the public records and the judicial and legislative written proceedings of the State shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

ART. 104. The secretary of the senate and clerk of the house of representatives shall be conversant with the French and English languages; and members may address either house in the French or English language.

ART. 105. The general assembly shall direct by law how persons who are now or may hereafter become sureties for public officers may be discharged from such suretyship.

ART. 106. No power of suspending the laws of this State shall be exercised, unless by the legislature or its authority.

ART. 107. Prosecutions shall be by indictment, or information. The accused shall have a speedy public trial by an impartial jury of the vicinage; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right, unless he shall have fled from justice, of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

ART. 108. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or pre-

sumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

ART. 109. No *ex-post facto* law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

ART. 110. The press shall be free. Every citizen may freely speak, write, and publish his sentiments on all subjects; being responsible for an abuse of this liberty.

ART. 111. Emigration from the State shall not be prohibited.

ART. 112. The general assembly which shall meet after the first election of representatives under this constitution, shall, within the first month after the commencement of the session, designate and fix the seat of government, at some place not less than sixty miles from the city of New Orleans, by the nearest travelling route; and if on the Mississippi river, by the meanders of the same; and when so fixed, it shall not be removed without the consent of four-fifths of the members of both houses of the general assembly. The sessions shall be held in New Orleans until the end of the year 1848.

ART. 113. The legislature shall not pledge the faith of the State for the payment of any bonds, bills or other contracts or obligations for the benefit or use of any person or persons, corporation or body politic whatever. But the State shall have the right to issue new bonds in payment of its outstanding obligations or liabilities, whether due or not; the said new bonds, however, are not to be issued for a larger amount or at a higher rate of interest, than the original obligations they are intended to replace.

ART. 114. The aggregate amount of debts hereafter contracted by the legislature, shall never exceed the sum of one hundred thousand dollars, except in case of war to repel invasions or suppress insurrections, unless the same be authorised by some law, for some single object or work, to be distinctly specified therein; which laws shall provide ways and means, by taxation, for the payment of running interest during the whole time for which said debt shall be contracted, and for the full

and punctual discharge at maturity of the capital borrowed, and said law shall be ir-repealable until principle and interest are fully paid and discharged, and shall not be put into execution until after its enactment by the first legislature returned by a general election after its passage.

ART. 115. The legislature shall provide by law for a change of venue in civil and criminal cases.

ART. 116. No lottery shall be authorized by this State, and the buying or selling of lottery tickets within this State is prohibited.

ART. 117. No divorce shall be granted by the legislature.

ART. 118. Every law enacted by the legislature shall embrace but one object, and that shall be expressed in the title.

ART. 119. No law shall be revived or amended by reference to its title; but in such case, the act revived, or section amended, shall be re-enacted and published at length.

ART. 120. The legislature shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases shall specify the several provisions of the laws it may enact.

ART. 121. The State shall not become subscriber to the stock of any corporation or joint stock company.

ART. 122. No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges.

ART. 123. Corporations shall not be created in this State by special laws except for political or municipal purposes; but the Legislature shall provide by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited.

ART. 124. From and after the month of January 1890, the Legislature shall have the power to revoke the charters of all corporations whose charters shall not have expired previous to that time, and no corporations hereafter to be created shall ever endure for a longer term than twenty-five years, except those which are political or municipal.

ART. 125. The General Assembly shall never grant any exclusive privilege or monopoly, for a longer period than twenty years.

ART. 126. No person shall hold or exer-

cise, at the same time, more than one civil office of emolument, except that of justice of the peace.

ART. 127. Taxation shall be equal and uniform throughout the State. After the year 1848 all property, on which taxes may be levied in this State, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied; the legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

ART. 128. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the legislature; *provided*, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor, recorders and aldermen shall be commissioned by the governor as justices of the peace, and the legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

ART. 129. The legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

ART. 130. Any citizen of this State who shall, after the adoption of this constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this constitution.

ART. 131. The legislature shall have power to extend this constitution, and the jurisdiction of this State over any territory acquired by compact with any State, or with the United States, the same being done by the consent of the United States.

ART. 132. The constitution and laws of this State shall be promulgated in the English and French languages.

On motion the 89th article was laid on the table, subject to call.

Mr. VOORHIES moved to lay the 112th article on the table, subject to call.

The yeas and nays being called for,

Messrs. Benjamin, Brent, Briant, Cenas, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, DuBouchel, Eustis, Garcia, Garrett, Humble, Ledoux, Legendre, Marigny, Mayo, Mazureau, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Roman, Roselius, St. Amand, Saunders, Soule, Trist, Voorhies, Wadsworth and Winchester voted in the affirmative—32 yeas; and

Messrs. Aubert, Beatty, Brazeale, Burton, Chambliss, Chinn, Dunn, Guion, Huds-peth, Hynson, Kenner, Lewis, McCallop, McRae, Peets, Porter, Pugh, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt, Winchester and Winder voted in the negative—28 nays; consequently said motion was carried.

Mr. TAYLOR of Assumption moved to lay the 38th section on the table indefinitely.

The yeas and nays being called for,

Messrs. Beatty, Brazeale, Brent, Brumfield, Conrad of Jefferson, Covillion, DuBouchel, Downs, Eustis, Garcia, Garrett, Guion, Humble, Hynson, Ledoux, Legendre, Lewis, Marigny, Peets, Prescott of Avoyelles, Preston, Read, St. Amand, Saunders, Soule, Stephens, Taylor of Assump-tion, Taylor of St. Landry, Trist, Wadsworth and Winder voted in the affirmative—31 yeas; and

Messrs. Aubert, Benjamin, Boudous-quie, Briant, Burton, Cenas, Chambliss, Chinn, Culbertson, Derbes, Dunn, Huds-peth, Kenner, McCallp, McRae, Mayo, Mazureau, Porter, Prescott of St. Landry, Prudhomme, Pugh, Roman, Roselius, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Voorhies, Waddill, Wederstrandt and Winchester voted in the negative—31 nays; the vote being equal, consequently the motion was lost.

Mr. DUNN then moved for the adoption of the section.

The yeas and nays being called for;

Messrs. Benjamin, Briant, Cenas, Chinn, Culbertson, Derbes, Dunn, Hynson, Ma-

zureau, Porter, Pugh, Roman, Roselius, Scott of Feliciana, Scott of Madison, Voorhies, Wadsworth, Wederstrandt and Winchester voted in the affirmative—19 yeas; and

Messrs. Aubert, Beatty, Brazeale, Brent, Brumfield, Burton, Chambliss, Conrad of Orleans, Conrad of Jefferson, Covillion, Downs, DuBouchel, Eustis, Garcia, Garrett, Guion, Humble, Kenner, Ledoux, Legendre, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, St. Amand, Saunders, Scott of Baton Rouge, Sellers, Soule, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Waddill and Winder, voted in the negative—42 nays; consequently said motion was lost, and the section rejected.

On motion the 39th section was laid on the table indefinitely.

Mr. Taylor of Assumption, moved to amend the 130th article by inserting after the word "weapons," the words "with a citizen of this State;" and to insert after the words "within the State or out of it," the words "with a citizen of this State."

The yeas and nays being called for,

Messrs. Beatty, Benjamin Boudousquie, Brent, Briant, Cenas, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, DuBouchel, Garcia, Guion, Hudspeth, Humble, Kenner, Ledoux, Legendre, Marigny, Mayo, Mazureau, Porter, Prescott of Avoyelles, Prescott of St. Landry, Prudhomme, Roman, St. Amand, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Soule, Splane, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt, Winchester and Winder voted in the affirmative—45 yeas; and

Messrs. Brazeale, Burton, Chambliss, Chinn, Eustis, Garrett, Hynson, Lewis, McCallop, McRae, Peets, Preston, Pugh, Read, Roselius and Stephens voted in the negative—16 nays; consequently said motion was carried.

Mr. CHINN moved for the adoption of the section as amended. The yeas and nays being called for,

Messrs. Brazeale, Brent, Brumfield, Burton, Chambliss, Chinn, Derbes, Downs, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Ledoux, Lewis, McCal-

lop, McRae, Mayo, Peets, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Preston, Read, Roselius, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Voorhies, Waddill, Winchester and Winder, voted in the affirmative—38 yeas, and

Messrs. Aubert, Beatty, Benjamin Boudousquie, Briant, Cenas, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, DuBouchel, Garcia, Kenner, Legendre Marigny, Mazureau, Porter, Prudhomme, Roman, St. Amand, Soulé, Splane, Trist, Wadsworth and Wederstrandt voted in the negative—25 nays, consequently the said section was adopted as amended, viz :

ART. 130. Any citizen of this State, who shall, after the adoption of this Constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it with a citizen of this State, or who shall act as second, or knowingly aid and assist in any manner, those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this Constitution.

On motion of Mr. Kenner, the article 112 was taken up, viz :

ART. 112. The general assembly which shall meet after the first election of representatives, under this Constitution, shall, within the first month after the commencement of the session, designate and fix the seat of government, at some place not less than sixty miles from the city of New Orleans, by the nearest travelling route, and if on the Mississippi river, by the meanders of the same; and when so fixed it shall not be removed without the consent of four-fifths of the members of both houses of the general assembly. The sessions shall be held in New Orleans, until the end of the year 1848.

Mr. BRENT submitted as a substitute for said article, the following, viz :

The seat of government shall be fixed permanently, after the year 1848 in the city of Baton Rouge.

Mr. KENNER moved to amend the substitute by striking out the words "in the city of Baton Rouge," and inserting in lieu thereof the words "in Donaldsonville," which motion was lost.

Mr. BENJAMIN moved to amend said substitute by striking out the words "in the city of Baton Rouge." The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Briant, Cénas, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, DuBouchel, Eustis, Garcia, Hudspeth, Kenner, Ledoux, Legendre, Lewis Marigny, Mazureau, Preston, Prudhomme, Roman, Roselius, St. Amand, Soulé, Taylor of St. Landry, Wadsworth Winchester and Winder, voted in the affirmative—31 yeas; and

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Chambliss Chinn, Dunn, Garrett, Gnion, Humble, Hynson, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Read, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill and Wederstrandt, voted in the negative—32 nays; consequently said motion was lost.

Mr. BRENT then moved for the adoption of the substitute. The yeas and nays being called for,

Messrs. Beatty, Brazeale, Brent, Brumfield, Burton, Chambliss, Chinn, Dunn, Garrett, Humble, Hynson, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Read, Scott of of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill and Wederstrandt voted in the affirmative—31 yeas; and

Messrs. Aubert, Benjamin, Boudousquie, Briant, Cénas, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, DuBouchel, Eustis, Garcia, Guion, Hudspeth, Kenner, Ledoux, Legendre, Lewis, Marigny, Mazureau, Preston, Prudhomme, Roman, Roselius, St. Amand, Soulé, Taylor of St. Landry, Wadsworth, Winchester and Winder voted in the negative—32 nays; consequently said motion was lost and the substitute rejected.

Mr. VOORHIES then moved to amend said section by striking out the words "at some place not less than sixty miles from the city of New Orleans, by the nearest travelling route, and if on the Mississippi river, by

the meanders of the same." The yeas and nays being called for,

Messrs. Aubert, Benjamin, Boudousquie, Brent, Briant, Cénas, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, DuBouchel, Eustis, Garcia, Garrett, Guion, Humble, Ledoux, Legendre, Marigny, Mayo, Mazureau, Porter, Prescott of St. Landry, Prudhomme, Preston, Roman, Roselius, St. Amand, Soulé, Splane, Trist, Voorhies, Wadsworth and Winchester voted in the affirmative—36 yeas; and

Measrs. Beatty, Brazeale, Brumfield, Burton, Chambliss, Chinn, Dunn, Hudspeth, Hynson, Kenner, Lewis, McCallop, McRae, Peets, Prescott of Avoyelles, Pugh, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wederstrandt and Winder voted in the negative—28 nays; consequently said motion was lost.

Mr. WADSWORTH gave notice that he would on to-morrow, move to reconsider the above vote.

Mr. CHINN moved for the adoption of the section.

The yeas and nays being called for,

Messrs. Aubert, Beatty, Brazeale, Brent, Brumfield, Burton, Chambliss, Chinn, Dunn, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Lewis, McCallop, McRae, Mayo, Peets, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wadsworth, Wederstrandt and Winder voted in the affirmative—35 yeas; and

Messrs. Benjamin, Briant, Cénas, Conrad of Orleans, Conrad of Jefferson, Covillion, Culbertson, Derbes, Downs, DuBouchel, Eustis, Garcia, Ledoux, Legendre, Marigny, Mazureau, Porter, Prudhomme, Preston, Roman, Roselius, St. Amand, Soule, Splane, Trist, Voorhies and Winchester voted in the negative—27 nays; consequently said motion was carried.

Mr. MAYO then moved for the reconsideration of the above vote.

The yeas and nays being called for,

Messrs. Benjamin, Briant, Cénas, Conrad of Orleans, Conrad of Jefferson,

Derbes, Downs, DuBouchel, Eustis, Garcia, Ledoux, Legendre, Marigny, Mazureau, Porter, Preston, Roman, Roselius, Soule, Splane, Trist and Voorhies voted in the affirmative—22 yeas; and

Messrs. *Aubert, Beatty, Brazeale, Brent, Burton, Brumfield, Chambliss, Chinn, Culberston, Dunn, Guion, Hudspeth, Humble, Hynson, Kenner, Lewis, McCallop, McRae, Mayo, Peets, Prescott of Avoyelles, Prescott of St. Landry, Pugh, Read, Saunders, Scott of Baton Rouge, Scott of Feliciana, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Waddill, Wadsworth, Wederstrandt and Winder* voted in the negative—36 nays; consequently said motion was lost.

Mr. WADSWORTH gave notice that he would on to-morrow, move to reconsider the above vote.

On motion of Mr. TAYLOR of Assumption, the general provisions as reported and amended was adopted, viz :

TITLE IV.

GENERAL PROVISIONS.

ART. 89. Members of the general assembly, and all officers, before they enter upon the duties of their offices shall take the following oath or affirmation :

I (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States, and of this State; and I do further solemnly swear (or affirm) that since the adoption of the present constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of the State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of the State, nor have acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending, so help me God."

ART. 90. Treason against the State shall consist only in levying war against, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

ART. 91. Every person shall be dis-

qualified from holding any office of trust or profit in this State, who shall have been convicted of having given, or offered a bribe to procure his election or appointment.

ART. 92. Laws shall be made to exclude from office and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors.

The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon from power, bribery, tumult or other improper practice.

ART. 93. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

ART. 94. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitration.

ART. 95. All civil officers for the State at large shall reside within the State, and all district or parish officers within their districts or parishes, and shall keep their offices at such places therein as may be required by law. No person shall be elected or appointed to any parish office who shall not have resided in such parish long enough before such election or appointment, to have acquired the right of voting in such parish; and no person shall be elected or appointed to any district office, who shall not have resided in such district, or an adjoining district, long enough before such appointment, or election, to have acquired the right of voting in the same.

ART. 96. The duration of all offices not fixed by this constitution, shall never exceed four years.

ART. 97. All civil officers, except the governor and judges of the supreme and district courts, shall be removeable by an address of a majority of the members of both houses, except those the removal of whom has been otherwise provided for by this constitution.

ART. 98. Absence on business of this

State or of the United State, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this constitution.

ART. 99. It shall be the duty of the legislature to provide by law for deductions from the salaries of public officers who may be guilty of a neglect of duty.

ART. 100. The legislature shall point out the manner in which a person coming into the State shall declare his residence.

ART. 101. In all elections by the people the vote shall be by ballot, and in all elections by the senate and house of representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 102. No member of congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly, or hold or exercise any office of trust or profit under the State.

ART. 103. The laws, the public records and the judicial and legislative written proceedings of the State, shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

ART. 104. The secretary of the senate, and clerk of the house of representatives, shall be conversant with the French and English languages, and members may address either house in the French or English language.

ART. 105. The general assembly shall direct by law, how persons who are now, or may hereafter become sureties for public officers, may be discharged from such suretyship.

ART. 106. No power of suspending the laws of this State shall be exercised, unless by the Legislature or its authority.

ART. 107. Prosecutions shall be by indictment, or information. The accused shall have a speedy public trial by an impartial jury of the vicinage: he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right, unless he shall have fled from justice, of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

ART. 108. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

ART. 109. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested unless for purposes of public utility, and for adequate compensation previously made,

ART. 110. The press shall be free. Every citizen may freely speak, write and publish his sentiments on all subjects; being responsible for an abuse of this liberty.

ART. 111. Emigration from the State shall not be prohibited.

ART. 112. The general assembly which shall meet after the first election of representatives under this Constitution, shall, within the first month after the commencement of the session, designate and fix the seat of government, at some place not less than sixty miles from the city of New Orleans, by the nearest travelling route; and if on the Mississippi river, by the meanders of the same: and when so fixed, it shall not be removed without the consent of four fifths of the members of both houses of the general assembly. The sessions shall be held in New Orleans until the end of the year 1848.

ART. 113. The legislature shall not pledge the faith of the State for the payment of any bonds, bills, or other contracts or obligations for the benefit or use of any person or persons, corporation or body politic whatever. But the State shall have the right to issue new bonds in payment of its outstanding obligations or liabilities, whether due or not; the said new bonds, however, are not to be issued for a larger amount or at a higher rate of interest, than the original obligations they are intended to replace.

ART. 114. The aggregate amount of debts hereafter contracted by the legislature, shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasions or suppress insurrections, unless the same be authorized by some law, for some single object or work, to be distinctly specified therein; which law shall provide ways and means, by taxation,

for the payment of running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity, of the capital borrowed; and said law shall be irrevocable until principal and interest are fully paid and discharged, and shall not be put into execution until after its enactment by the first legislature returned by a general election after its passage.

ART. 115. The legislature shall provide by law for a change of venue in civil and criminal cases.

ART. 116. No lottery shall be authorized by this State, and the buying or selling of lottery tickets within the State is prohibited.

ART. 117. No divorce shall be granted by the Legislature.

ART. 118. Every law enacted by the legislature shall embrace but one object, and that shall be expressed in the title.

ART. 119. No law shall be revived or amended by reference to its title; but in such case, the act revived, or section amended, shall be re-enacted and published at length.

ART. 120. The legislature shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases shall specify the several provisions of the laws it may enact.

ART. 121. The State shall not become subscriber to the stock of any corporation or joint stock company.

ART. 122. No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges.

ART. 123. Corporations shall not be created in this State by special laws; except for political or municipal purposes; but the legislature shall provide by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited.

ART. 124. From and after the month of January, 1890, the legislature shall have the power to revoke the charters of all corporations whose charters shall not have expired previous to that time, and no corporations hereafter to be created shall ever endure for a longer term than twenty-five years, except those which are political or municipal.

ART. 125. The general assembly shall

never grant any exclusive privilege or monopoly, for a longer period than twenty years.

ART. 126. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace.

ART. 127. Taxation shall be equal and uniform throughout the State. After the year 1848 all property, on which taxes may be levied in this State, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied; the legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

ART. 128. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the legislature; provided, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor, recorders and aldermen shall be commissioned by the governor as justices of the peace, and the legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

ART. 129. The legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

ART. 130. Any citizen of this State who shall, after the adoption of this constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, with a citizen of this State, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this constitution.

ART. 131. The legislature shall have power to extend this constitution, and the jurisdiction of this State over any territory acquired by compact with any State, or

with the United States, the same being done by the consent of the United States.

ART. 132. The constitution and laws of this State. shall be promulgated in the English and French languages.

On motion, the Convention adjourned till to-morrow at 9 o'clock, a. m.

WEDNESDAY, May 14, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings with prayer.

Mr. READ, chairman of the committee on contingent expences, submitted the following report, and the same was adopted, viz:

"The committee on contingent expences beg leave to submit the following report, in relation to the sale of furniture used by the Convention while sitting in the St. Louis Hotel:

Total amount of sales	\$149,37½
Of this sum Mr. Ratliff, chairman of the committee on contingent expenses, collected	\$108,37
From A. Boudousquie	\$12,50
" Jacob Humble	4,12½
" A. Read	12,50
" R. C. Hynson	6,25
" J. B. Wederstrandt	2,00
" H. Waddill	12,50
" Jas. Carpenter	7,10
" Geo. Eustis	3,66¾
" W. Burton	,25
" M. G. Penn	11,00
" W. C. C. Claiborne	7,75
" W. B. Scott	12,50
Amount sold at auction	16,25
	—————\$108,39¼

All of which will more fully appear from vouchers in the treasurer's office. Mr. Ratliff authorized the committee to deposit his per diem and mileage warrants in the State treasury, amounting to one hundred and twelve dollars eighty cents, as security for the payment of the sum in his hands; which has been done.

Your committee has since collected the sum of fifteen dollars, to wit:

From Horatio Davis	\$10,00
" Wm. Ruffier	5,00
	—————
	\$15,00

which has been paid into the treasury.

Eighteen dollars are yet due by Mr. B. R. Mills, which will probably never be collected.

All which is submitted.

(Signed) A. READ,

Acting Chairman Com. contingent expences."

Mr. READ submitted the following resolution, and the same was adopted, viz:

"Resolved, that the committee on contingent expenses be authorized to issue warrants in favor of W. Bloomfield, bookseller, for the sum of twenty dollars; in favor of A. Bruslé for five dollars; in favor of James Carpenter for five dollars and twenty-five cents; in favor of D. Jamier for twenty-five dollars."

Mr. SAUNDERS submitted the following, and the same was adopted, viz:

"Ordered, that this constitution be published in newspapers as follows, to wit.— In the New Orleans Bee, Louisiana Courier, Jeffersonian and Bulletin, and in all the country papers printed in the State, and the publishers of said papers shall each be entitled to receive from the treasury, on their own warrants, the sum of twenty-five dollars for the said publication, when made in English only, and fifty dollars when made in English and French; *Provided*, said publication be made within twenty days after the adjournment of the Convention."

On motion, the article on impeachment was taken up for third reading, and adopted, as reported, viz:

TITLE V.

IMPEACHMENT.

ART. 84. The power of impeachment shall be vested in the house of representatives.

ART. 85. Impeachments of the governor, lieutenant governor, attorney general, secretary of State, State treasurer, and the judges of the district courts, shall be tried by the senate; the chief justice of the supreme court, or the senior judge thereof, shall preside during the trial of such impeachments. Impeachments of the judges of the supreme court shall be tried by the senate. When sitting as a court of impeachment, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present.

ART. 86. Judgments in cases of im-

peachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment, according to law.

ART. 87. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of such impeachment. The appointing power may make a provisional appointment to replace any suspended officer until the decision on the impeachment.

ART. 88. The legislature shall provide by law for the trial, punishment and removal from office of all other officers of the State, by indictment or otherwise.

On motion, the report of the committee of revision in relation to public education was taken up for its third reading, viz:

TITLE VII.

PUBLIC EDUCATION.

ART. 133. There shall be appointed a superintendent of public education, who shall hold his office for two years. His duties shall be prescribed by law. He shall receive compensation as the legislature may direct.

ART. 134. The legislature shall establish free public schools throughout the State, and shall provide means for their support by taxation on property or otherwise.

ART. 135. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent; which interest together with all the rents of the unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 136. All moneys arising from the sale which have been or may hereafter be made of any lands heretofore granted by the United States to this State, for the use of a

seminary of learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which at six per cent per annum, shall be appropriated to the support of a seminary of learning for the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said seminary of learning.

ART. 137. An university shall be established in the city of New Orleans. It shall be composed of four faculties, to wit: one of law, one of medicine, one of the natural sciences, and one of letters.

ART. 138. It shall be called "the University of Louisiana," and the Medical College of Louisiana as at present organized, shall constitute the faculty of medicine.

ART. 139. The legislature shall provide by law, for its further organization and government; but shall be under no obligation to contribute to the establishment or support of said university by appropriations.

Mr. TAYLOR of Assumption moved to amend the first section by striking out the words "appointed" and insert in lieu thereof the words "elected by the qualified electors of the State."

The yeas and nays being called for,

Messrs. Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Covillion, Hudspeth, Humble, Hynson, Ledoux, Lewis, McCallop, McRae, Mayo, Peets, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, Saunders, Scott of Baton Rouge, Scott of Madison, Sellers, Stephens, Taylor of Assumption, Taylor of St. Landry, Wederstrandt and Waddill voted in the affirmative—35 yeas; and

Messrs. Aubert, Benjamin, Briant, Céna, Chinn, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Garrett, Grymes, Guion, Labauve, Legendre, Marigny, Mazureau, Roman, Roselius, St. Amand, Voorhies, Winchester and Winder voted in the negative—25 nays; consequently the motion was lost, and the said report was adopted as reported above.

On motion, the report of the committee of revision, on the mode of revising the constitution was taken up for its third reading, viz:

TITLE VIII.

MODE OF REVISING THE CONSTITUTION.

ART. 140. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives, and if the same shall be agreed to by three-fifths of the members elected to each house and approved by the governor, such proposed amendment or amendments, shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of state shall cause the same to be published three months before the next general election, in at least one newspaper in French and English, in every parish in the State in which a newspaper shall be published; and if, in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of state shall cause the same to be again published in the manner aforesaid, at least three months previous to the next general election for representatives to the State legislature, and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the qualified electors shall approve and ratify such amendment or amendments, the same shall become a part of the constitution: If more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment, separately.

Mr. TAYLOR of Assumption moved to amend said article by striking out in the fourth line the words "three-fifths," and insert in lieu thereof "a majority."

The yeas and nays being called for,

Messrs. Brazeale, Brent, Brumfield, Cade, Chambliss, Covillion, DuBouchel, Garrett, Humble, Hynson, Ledoux, McCallopp, McRae, Mayo, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Read, Scott of Baton Rouge, Scott of Madison, Stephens, Taylor of Assumption, Voorhies, Waddill and Wederstrandt voted in the affirmative—23 yeas; and

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Burton, Carriere, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Dunn, Eustis, Garcia, Grymes, Guion, Hudspeth, Kenner, Labauve, Legendre,

Lewis, Marigny, Mazureau, Prudhomme, Pugh, Roman, Roselius, St. Amand, Sellers, Soulé, Taylor of St. Landry, Wadsworth, Winchester and Winder voted in the negative—38 nays; consequently said motion was lost, and the report was adopted.

On motion, the schedule was taken up for its third reading, as follows, viz:

TITLE IX.

SCHEDULE.

ART. 141. The Constitution adopted in 1812 is declared to be superseded by this Constitution, and in order to carry the same into effect, it is hereby declared and ordained as follows:

ART. 142. All rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith shall continue as if the same had not been adopted.

ART. 143. Until the first enumeration shall be made as directed in article eighth, of this Constitution, the parish of Orleans shall have twenty representatives, to be elected as follows, viz:

Eight by the First Municipality, seven by the Second Municipality, and four by the Third Municipality, to be distributed among the nine representative districts as follows, by allotting to the

First district,	two Rep.
Second "	two
Third "	three
Fourth "	three
Fifth "	three
Sixth "	two
Seventh "	two
Eighth "	one
Ninth "	one

And to that part of the parish on the right bank of the Mississippi, one

The parish of Plaquemines,	
shall have	three
" St. Bernard,	one
" Jefferson,	three
" St. Charles,	one
" St. John the Baptist,	one
" St. James,	two
" Ascension,	two
" Assumption,	three
" Lafourche Interior,	three
" Terrebone,	two
" Iberville,	two

The parish of West Baton Rouge,	one
“ East do.	three
“ West Feliciana,	two
“ East do	three
“ St. Helena,	one
“ Washington,	one
“ Livingston,	one
“ St. Tammany,	one
“ Point Coupée,	one
“ Concordia,	one
“ Tensas,	one
“ Madison,	one
“ Carroll,	one
“ Franklin,	one
“ St. Mary,	two
“ St. Martin,	three
“ Vermillion,	one
“ Lafayette,	two
“ St. Landry,	five
“ Calcasieu,	one
“ Avoyelles	two
“ Rapides,	three
“ Natchitoches,	three
“ Sabine,	two
“ Caddo,	one
“ De Soto,	one
“ Ouachita,	one
“ Morehouse,	one
“ Union	one
“ Jackson,	one
“ Caldwell,	one
“ Catahoula,	two
“ Claiborne,	two
“ Bossier,	one

Total, ninety-eight.

And the State shall be divided into the following senatorial districts :

All that portion of the parish of Orleans lying on the east side of the Mississippi river shall compose one senatorial district, and shall elect four senators;

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans lying on the right bank of the river, shall compose one district, with one senator;

The parish of Jefferson shall compose one district, with one senator;

The parishes of St. Charles and St. John the Baptist shall compose one district, with one senator;

The parish of St. James shall compose one district, with one senator;

The parish of Ascension shall compose one district with one senator;

The parishes of Assumption, Lafourche

Interior and Terrebonne shall compose one district, with two senators;

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator;

The parish of East Baton Rouge shall compose one district, with one senator;

The parish of Point Coupée shall compose one district, with one senator;

The parish of Avoyelles shall compose one district, with one senator;

The parish of St. Mary shall compose one district, with one senator;

The parish of St. Martin shall compose one district, with one senator;

The parishes of Lafayette and Vermillion shall compose one district, with one senator;

The parishes of St. Landry and Calcasieu, shall compose one district, with two senators;

The parish of West Feliciana shall compose one district, with one senator;

The parish of East Feliciana shall compose one district, with one senator;

The parishes of St. Helena and Livingston shall compose one district, with one senator;

The parishes of Washington and St. Tammany, shall compose one district, with one senator;

The parishes of Concordia and Tensas shall compose one district with one senator;

The parishes of Carroll and Madison shall compose one district, with one senator;

The parishes of Jackson, Union, Morehouse and Ouachita shall compose one district, with one senator;

The parishes of Caldwell, Franklin and Catahoula shall compose one district, with one senator;

The parish of Rapides shall compose one district, with one senator;

The parishes of Bossier and Claiborne shall compose one district, with one senator;

The parish of Natchitoches shall compose one district, with one senator;

The parishes of Sabine, De Soto and Caddo shall compose one district, with one senator;

And whenever a new parish shall be created, it shall be attached to the senatorial dis-

trict from which most of its territory was taken or to another contiguous district at the discretion of the legislature, but shall not be attached to more than one district.

ART. 144. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby; but the laws of the State relative to the duties of the several officers, executive, judicial and military, shall remain in full force, though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State according to the existing laws, until the organization of the government under this Constitution, and the entering into office of the new officers, to be appointed under said government, and no longer.

ART. 145. Appointments to office by the executive under this Constitution, shall be made by the governor to be elected under its authority.

ART. 146. The provisions of article 28, concerning the inability of members of the legislature to hold certain offices therein mentioned, shall not be held to apply to the members of the first legislature elected under this Constitution.

ART. 147. The time of service of all officers chosen by the people, at the first election under this Constitution, shall terminate as though the election had been holden on the first Monday of November 1845, and they had entered on the discharge of their duties at the time designated therein.

ART. 148. The legislature shall provide for the removal of all causes now pending in the supreme or other courts of the State under the Constitution of 1812, to State created by this Constitution.

ART. 149. Appeals to the supreme court from the parishes of Jackson, Union, Morehouse, Catahoula, Caldwell, Ouachita, Franklin, Carroll, Madison, Tensas, and Concoreia, shall until otherwise provided for, be returnable to New Orleans.

Mr. WINCHESTER moved to amend the first ordinance by striking out the words "and under this constitution."

The yeas and nays being called for;

Messrs. Aubert, Beatty, Benjamin, Boudousquie, Bourg, Briant, Cade, Cenas, Chinn, Claiborne, Conrad of Orleans, Conrad of Jefferson, Culbertson, Derbes, Garcia, Guion, Hudspeth, Kenceer, La-

bauve, Legendre, Lewis, Marigny, Mazureau, Pugh, Roman, Roselius, St. Amand, Saunders, Sellers, Taylor, of St. Landry, Wadsworth, Winchester and Winder voted in the affirmative—33 yeas; and

Messrs. Brazeale, Brent, Brumfield, Burton, Carriere, Chambliss, Covillion, Downs, DuBouchel, Eustis, Garrett, Hynson, Humble, Ledoux, McCallop, McRae, May, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Read, Scott of Baton Rouge, Scott of Madison, Splane, Stephens, Taylor of Assumption, Trist, Voorhies, Waddill and Wederstrandt voted in the negative—34 nays; consequently said motion was lost, and the schedule was adopted as reported above.

It being the hour fixed, Mr. VOORHIES moved that the vote be taken on the final passage of the constitution.

The yeas and nays being called for,

Messrs. Joseph Walker, president, Beatty, Bourg, Brazeale, Brent, Brumfield, Burton, Cade, Carriere, Chambliss, Chinn, Covillion, Culbertson, Downs, DuBouchel, Dunn, Eustis, Garrett, Guion, Hudspeth, Humble, Hynson, Kenner, Labauve, Ledoux, Lewis, McCallop, McRae, Marigny, Mayo, Peets, Penn, Porter, Prescott of Avoyelles, Prescott of St. Landry, Preston, Prudhomme, Pugh, Read, Roselius, Saunders, Scott of Baton Rouge, Scott of Madison, Sellers, Soule, Splane, Stephens, Taylor of Assumption, Taylor of St. Landry, Trist, Voorhies, Waddill, Wadsworth, Wederstrandt and Winder voted in the affirmative—55 yeas; and

Messrs. Aubert, Benjamin, Boudousquie, Briant, Cenas, Claiborne, Conrad of Orleans, Conrad of Jefferson, Derbes, Garcia, Legendre, Mazureau, Roman, St. Amand and Winchester voted in the negative—15 nays; consequently said motion was carried, and the constitution adopted, as follows, viz:

CONSTITUTION OF THE STATE OF LOUISIANA.

PREAMBLE.

We the people of the State of Louisiana do ordain and establish this Constitution.

TITLE I.

DISTRIBUTION OF POWERS.

ART. 1. The powers of the government of the State of Louisiana shall be divided

into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative to one; those which are executive to another, and those which are judicial to another.

ART. 2. No one of these departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

TITLE II.

LEGISLATIVE DEPARTMENT.

ART. 3. The legislative powers of the State shall be vested in two distinct branches, the one to be styled the "house of representatives," the other "the senate," and both "the general assembly of the State of Louisiana."

ART. 4. The members of the house of representatives shall continue in service for the term of two years from the day of the closing of the general elections.

ART. 5. Representatives shall be chosen on the first Monday in November, every two years; and the election shall be completed in one day. The general assembly shall meet every second year, on the third Monday in January next ensuing the election, unless a different day be appointed by law, and their session shall be held at the seat of government.

ART. 6. No person shall be a representative, who, at the time of his election, is not a free white male, and has not been for three years a citizen of the United States, and has not attained the age of twenty-one years, and resided in the State for the three years next preceding the election, and the last year thereof in the parish for which he may be chosen.

ART. 7. Elections for representatives for the several parishes or representative districts shall be held at the several election precincts established by law. The legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

ART. 8. Representation in the house of representatives, shall be equal and uniform, and shall be regulated and ascertained by the number of qualified electors. Each parish shall have at least one representative; no new parish shall be created with

a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the full number entitling it to a representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

The first enumeration to be made by the State authorities under this constitution shall be made in the year 1847, the second in the year 1855; and the subsequent enumerations shall be made every tenth year thereafter, in such manner as shall be prescribed by law for the purpose of ascertaining the total population and the number of qualified electors in each parish and election district.

At the first regular session of the legislature after the making of each enumeration, the legislature shall apportion the representation amongst the several parishes and election districts on the basis of qualified electors as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many representatives as the aggregate number of its electors will entitle it to, and an additional representative for any fraction exceeding one half the representative number. The number of representatives shall not be more than one hundred nor less than seventy.

That part of the parish of Orleans situated on the left bank of the Mississippi, shall be divided into nine representative districts, as follows, viz :

1st. First district to extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district to extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district to comprise the residue of the Second Municipality.

4th. Fourth district to extend from the middle of Canal street to the middle of St. Louis street, until it reaches the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district to extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the bayou St. John, thence

along the middle of said bayou until it intersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district to be composed of the residue of the First Municipality.

7th. Seventh district, from the middle Esplanade street to the middle of Champs Elysées street.

8th. Eighth district, from the middle of Champs Elysées street to the middle of Enghein street and Lafayette Avenue.

9th. Ninth district, from the middle of Enghein street and Lafayette Avenue to the lower limits of the parish.

ART. 9. The house of representatives shall choose its speaker and other officers.

ART. 10. In all elections by the people, every free white male who has attained the age of twenty-one years, and resided in the State two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting. *Provided*, that no person shall be deprived of the right of voting who at the time of the adoption of this constitution was entitled to that right under the constitution of 1812. Electors shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

ART. 11. Absence from the State for more than ninety consecutive days, shall interrupt the acquisition of the residence required in the preceding article, unless the person absenting himself shall be a house-keeper, or shall occupy a tenement for carrying on business, and his dwelling house or tenement for carrying on business shall be actually occupied during his absence, by his family or servants, or some portion thereof, or by some one employed by him.

ART. 12. No soldier, seaman or marine in the army or navy of the United States, no pauper, no person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in the State.

ART. 13. No person shall be entitled to vote at any election held in this State, except in the parish of his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

ART. 14. The members of the senate

shall be chosen for the term of four years. The senate when assembled, shall have the power to choose its officers every two years.

ART. 15. The legislature in every year in which they shall apportion representation in the house of representatives shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the legislature; but shall not be attached to more than one district. The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators.

ART. 16. In all apportionments of the senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty eight, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a senator; and if in the apportionment to be made, a parish or district fall short of or exceed the ratio, one-fifth, then a district may be formed having not more than two senators, but not otherwise.

No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment.

After an enumeration has been made as directed in the eighth article, the legislature shall not pass any laws until an apportionment of the representation in both houses of the general assembly be made.

ART. 17. At the first session of the general assembly, after this constitution takes effect, the senators shall be equally divided by lot into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year; so that one-half shall be chosen

every two years, and a rotation thereby kept up perpetually. In case any district shall have elected two or more senators, said senators shall vacate their seats respectively at the end of two and four years, and the lots shall be drawn between them.

ART. 18. No person shall be a senator, who at the time of his election, has not been a citizen of the United States ten years, and who has not attained the age of twenty-seven years, and resided in the State four years next preceding his election, and the last year thereof in the district in which he may be chosen.

ART. 19. The first election for senators shall be general throughout the State, and at the same time that the general election for representatives is held; and thereafter there shall be biennial elections to fill the place of those whose time of service may have expired.

ART. 20. Not less than a majority of the members of each house of the general assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised by law to compel the attendance of absent members.

ART. 21. Each house of the general assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

ART. 22. Each house of the general Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds expel a member, but not a second time for the same offence.

ART. 23. Each house of the general assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

ART. 24. Each house may punish by imprisonment any person not a member, for disrespectful and disorderly behavior, in its presence or for obstructing any of its proceedings. Such imprisonment shall not exceed ten days for any one offence.

ART. 25. Neither house, during the session of the general assembly, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

ART. 26. The members of the general assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective houses. The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alterations shall have been made. No session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days, shall be null and void. This provision shall not apply to the first legislature which is to convene after the adoption of this constitution.

ART. 27. The members of the general assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses; and going to or returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

ART. 28. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created or the emoluments of which shall have been increased during the time such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

ART. 29. No person, while he continues to exercise the functions of a clergyman, priest or teacher of any religious persuasion, society or sect, shall be eligible to the general assembly.

ART. 30. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the general assembly, or to any other office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

ART. 31. No bill shall have the force of a law until on three several days, it be read

over in each house of the general assembly, and free discussion allowed thereon, unless in case of urgency, four-fifths of the house, where the bill shall be pending, may deem it expedient to dispense with this rule.

ART. 32. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in other bills; *provided*, they shall not introduce any new matter under the color of an amendment which does not relate to raising revenue.

ART. 33. The general assembly shall regulate by law, by whom, and in what manner, writs of election shall be issued, to fill the vacancies which may happen in either branch thereof.

ART. 34. A majority of all the members elected to the senate, shall be required for the confirmation or rejection of officers to be appointed by the governor, with the advice and consent of the senate; and the senate in deciding thereon, shall vote by yeas and nays, and the names of the senators voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

ART. 35. Returns of all elections for members of the general assembly shall be made to the secretary of state.

ART. 36. A treasurer of the State shall be elected biennially, by joint ballot of the two houses of the general assembly. The governor shall have the power to fill any vacancy that may happen in that office during the recess of the legislature.

ART. 37. In the year in which a regular election of a senator of the United States is to take place, the members of the general assembly shall meet in the hall of the house of representatives, on the Monday following the meeting of the legislature, and proceed to the said election.

TITLE III.

EXECUTIVE DEPARTMENT.

ART. 38. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the governor of the State of Louisiana. He shall hold his office during the term of four years; and together with the lieutenant governor chosen for the same term, be elected as follows:—The qualified electors for representatives, shall vote for a governor and

lieutenant governor, at the time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the secretary of state; who shall deliver them to the speaker of the house of representatives on the second day of the session of the general assembly, then next to be holden. The members of the general assembly shall meet in the house of representatives, to examine and count the votes. The person having the greatest number of votes for governor shall be declared duly elected, but if two or more persons shall be equal and highest in the number of votes polled for governor, one of them shall immediately be chosen governor by joint vote of the members of the general assembly. The person having the greatest number of votes for lieutenant governor shall be lieutenant governor, but if two or more persons shall be equal and highest in the number of votes polled for lieutenant governor, one of them shall be immediately chosen lieutenant governor by joint vote of the members of the general assembly.

ART. 39. No person shall be eligible to the office of governor or lieutenant governor, who shall not have attained the age of thirty-five years, been fifteen years a citizen of the United States, and a resident within this State for the same space of time next preceding his election.

ART. 40. The governor shall enter on the discharge of his duties on the fourth Monday of January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected, and shall have taken the oath or affirmation prescribed by this Constitution.

ART. 41. The governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

ART. 42. No member of congress or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor or lieutenant governor.

ART. 43. In case of the impeachment of the governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the lieutenant governor for the resi-

due of the term, or until the governor, absent or impeached, shall return or be acquitted. The legislature may provide by law for the case of removal, impeachment, death, resignation, disability; or refusal to qualify, of both the governor and lieutenant governor, declaring what officer shall act as governor, and such officer shall act accordingly, until the disability be removed, or for the residue of the term.

ART. 44. The lieutenant governor, or other officer discharging the duties of governor, shall, during his administration, receive the same compensation to which the governor would have been entitled, had he continued in office.

ART. 45. The lieutenant governor shall, by virtue of his office, be president of the senate, but shall have only a casting vote therein. Whenever he shall administer the government, or shall be unable to attend as president of the senate the senators shall elect one of their own members as president of the senate for the time being.

ART. 46. While he acts as president of the senate, the lieutenant governor shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more.

ART. 47. The governor shall have power to grant reprieves for all offences against the State, and except in cases of impeachment, shall, with the consent of the senate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves, until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

ART. 48. The governor shall at stated times receive for his services a compensation, which shall neither be increased or diminished during the term for which he shall have been elected.

ART. 49. He shall be commander-in-chief of the army and navy of this State and of the militia thereof, except when they shall be called into the service of the United States.

ART. 50. He shall nominate, and by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution, and whose appointment is not therein otherwise pro-

vided for: Provided, however, that the legislature shall have a right to prescribe the mode of appointment to all other offices established by law.

ART. 51. The governor shall have power to fill vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this constitution; but no person who has been nominated for office, and rejected by the senate, shall be appointed to the same office during the recess of the senate.

ART. 52. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

ART. 53. He shall from time to time, give to the general assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

ART. 54. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place if that should become dangerous from an enemy or from epidemics; and in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

ART. 55. He shall take care that the laws be faithfully executed.

ART. 56. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it, if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if after such reconsideration two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as

if he had signed it, unless the general assembly by adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

ART. 57. Every order, resolution or vote to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of the members elected to each house of the general assembly.

ART. 58. There shall be a secretary of state, who shall hold his office during the time for which the governor shall have been elected. The records of the State shall be kept and preserved in the office of the secretary; he shall keep a fair register of the official acts and proceedings of the governor, and when necessary shall attest them. He shall, when required, lay the said register, and all papers, minutes and vouchers relative to his office, before either house of the general assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 59. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal and signed by the governor.

ART. 60. The free white men of the State shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal services.

ART. 61. The militia of the State shall be organized in such manner as may be hereafter deemed most expedient by the legislature.

TITLE IV.

JUDICIARY DEPARTMENT.

ART. 62. The judicial power shall be vested in a supreme court, in district courts and in justices of the peace.

ART. 63. The supreme court, except in cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars, to all cases in which the constitutionality of any tax, toll, or impost of any kind or nature soever, shall be in contestation,

whatever may be the amount thereof; and likewise to all fines, forfeitures and penalties imposed by municipal corporations; and in criminal cases on questions of law alone, whenever the punishment of death or hard labor may be inflicted, or when a fine exceeding three hundred dollars is actually imposed.

ART. 64. The supreme court shall be composed of one chief justice and of three associate judges, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of six thousand dollars, and each of the associate judges a salary of five thousand five hundred dollars, annually. The said court shall appoint its own clerks. The said judges shall be appointed for the term of eight years.

ART. 65. When the first appointments are made under this constitution, the chief justice shall be appointed for the term of eight years, one of the associate judges for six years, one for four years and one for two years; and in the event of the death, resignation, or removal of any of said judges, before the expiration of the period for which he was appointed, his successor shall be appointed only for the remainder of his term: so that the term of office of no two of said judges shall expire at the same time.

ART. 66. The supreme court shall hold its sessions in New Orleans from the first Monday of the month of November to the end of the month of June, inclusive. The legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 67. The supreme court, and each of the judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process, in all cases in which they may have appellate jurisdiction.

ART. 68. In all cases in which the judges shall be equally divided in opinion, the judgment appealed from shall stand affirmed; in which case each of the judges shall give his separate opinion in writing.

ART. 69. All judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "the State of Louisiana." All prosecutions shall be carried on "in the name and by the authority of the State

of Louisiana," and conclude "against the peace and dignity of the same."

ART. 70. The judges of all courts within this State shall, as often as it is possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which such judgment is founded.

ART. 71. No court or judge shall make any allowance by way of fee or compensation in any suit or proceedings, except for the payment of such fees to the ministerial officers as may be established by law.

ART. 72. No duties or functions shall ever be attached by law to the supreme or district courts, or to the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office, or other compensation than their salaries for any civil duties performed by them.

ART. 73. The judges of all courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of three-fourths of the members present of each house of the general assembly. In every such case, the cause, or causes for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each house.

ART. 74. There shall be an attorney general for the State, and as many district attorneys as may be hereafter found necessary. They shall hold their offices for two years; their duties shall be determined by law.

ART. 75. The first legislature assembled under this constitution, shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year thereafter.

The number of districts shall not be less than twelve, nor more than twenty.

For each district one judge, learned in the law shall be appointed, except in the district in which the cities of New Orleans and Lafayette are situated, in which the legislature may establish as many district courts as the public interest may require,

ART. 76. Each of the said judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than two thousand five hundred dollars annually. He must be a citizen of the United States, over the age of thirty years, and have resided in the State for six years next preceding his appointment, and have practiced law therein for the space of five years.

ART. 77. The judges of the district courts shall hold their offices for the term of six years. The judges first appointed shall be divided by ballot into three classes, as nearly equal as can be; and the term of office of the judges of the first class shall expire at the end of two years, of the second class at the end of four years, and of the third class at the end of six years.

ART. 78. The district courts shall have original jurisdiction in all civil cases when the amount in dispute exceeds fifty dollars, exclusive of interest. In all criminal cases, and in all matters connected with successions, their jurisdiction shall be unlimited.

ART. 79. The legislature shall have power to vest in clerks of courts authority to grant such orders, and do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases the powers thus granted shall be specified and determined.

ART. 80. The clerks of the several courts shall be removable, for breach of good behavior, by the judges thereof; subject in all cases to an appeal to the supreme court.

ART. 81. The jurisdiction of justices of the peace shall never exceed in civil cases the sum of one hundred dollars, exclusive of interest, subject to an appeal to the district court in such cases as shall be provided for by law. They shall be elected by the qualified voters of each parish, for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

ART. 82. Clerks of the district courts in this State shall be elected by the qualified electors in each parish for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by

the judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

ART. 83. A sheriff and a coroner shall be elected in each parish, by the qualified voters thereof, who shall hold their offices for the term of two years, unless sooner removed.

Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

TITLE V.

IMPEACHMENT.

ART. 84. The power of impeachment shall be vested in the house of representatives.

ART. 85. Impeachments of the governor, lieutenant governor, attorney general, secretary of State, State treasurer, and the judges of the district courts, shall be tried by the senate; the chief justice of the supreme court, or the senior judge thereof, shall preside during the trial of such impeachments. Impeachments of the judges of the supreme court shall be tried by the senate. When sitting as a court of impeachment, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present.

ART. 86. Judgments in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment, according to law.

ART. 87. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of such impeachment. The appointing power may make a provisional appointment to replace any suspended officer until the decision on the impeachment.

ART. 88. The legislature shall provide by law for the trial, punishment and removal from office of all other officers of the State, by indictment or otherwise.

On motion, the report of the committee of revision in relation to public education was taken up for its third reading, viz:

TITLE VI.

GENERAL PROVISIONS.

ART. 89. Members of the general assembly, and all officers, before they enter upon the duties of their offices shall take the following oath or affirmation:

I (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States, and of this State; and I do further solemnly swear (or affirm) that since the adoption of the present constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of the State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of the State, nor have acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending, so help me God."

ART. 90. Treason against the State shall consist only in levying war against, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

ART. 91. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given, or offered a bribe to procure his election or appointment.

ART. 92. Laws shall be made to exclude from office and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors.

The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon from power, bribery, tumult or other improper practice.

ART. 93. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of the receipts and expenditures of all public money shall be

published annually, in such manner as shall be prescribed by law.

ART. 94. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitration.

ART. 95. All civil officers for the State at large shall reside within the State, and all district or parish officers within their districts or parishes, and shall keep their offices at such places therein as may be required by law. No person shall be elected or appointed to any parish office who shall not have resided in such parish long enough before such election or appointment, to have acquired the right of voting in such parish; and no person shall be elected or appointed to any district office, who shall not have resided in such district, or an adjoining district, long enough before such appointment, or election, to have acquired the right of voting in the same.

ART. 96. The duration of all offices not fixed by this constitution, shall never exceed four years.

ART. 97. All civil officers, except the governor and judges of the supreme and district courts, shall be removeable by an address of a majority of the members of both houses, except those the removal of whom has been otherwise provided for by this constitution.

ART. 98. Absence on business of this State or of the United State, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this constitution.

ART. 99. It shall be the duty of the legislature to provide by law for deductions from the salaries of public officers who may be guilty of a neglect of duty.

ART. 100. The legislature shall point out the manner in which a person coming into the State shall declare his residence.

ART. 101. In all elections by the people the vote shall be by ballot, and in all elections by the senate and house of representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 102. No member of congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power,

shall be eligible as a member of the general assembly, or hold or exercise any office of trust or profit under the State.

ART. 103. The laws, the public records and the judicial and legislative written proceedings of the State, shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

ART. 104. The secretary of the senate, and clerk of the house of representatives, shall be conversant with the French and English languages, and members may address either house in the French or English language.

ART. 105. The general assembly shall direct by law, how persons who are now, or may hereafter become sureties for public officers, may be discharged from such suretyship.

ART. 106. No power of suspending the laws of this State shall be exercised, unless by the Legislature or its authority.

ART. 107. Prosecutions shall be by indictment, or information. The accused shall have a speedy public trial by an impartial jury of the vicinage: he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right, unless he shall have fled from justice, of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

ART. 108. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

ART. 109. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested unless for purposes of public utility, and for adequate compensation previously made,

ART. 110. The press shall be free. Every citizen may freely speak, write and publish his sentiments on all subjects; being responsible for an abuse of this liberty.

ART. 111. Emigration from the State shall not be prohibited.

ART. 112. The general assembly which shall meet after the first election of representatives under this Constitution, shall,

within the first month after the commencement of the session, designate and fix the seat of government, at some place not less than sixty miles from the city of New Orleans, by the nearest travelling route ; and if on the Mississippi river, by the meanders of the same : and when so fixed, it shall not be removed without the consent of four fifths of the members of both houses of the general assembly. The sessions shall be held in New Orleans until the end of the year 1848.

ART. 113. The legislature shall not pledge the faith of the State for the payment of any bonds, bills, or other contracts or obligations for the benefit or use of any person or persons, corporation or body politic whatever. But the State shall have the right to issue new bonds in payment of its outstanding obligations or liabilities, whether due or not ; the said new bonds, however, are not to be issued for a larger amount or at a higher rate of interest, than the original obligations they are intended to replace.

ART. 114. The aggregate amount of debts hereafter contracted by the legislature, shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasions or suppress insurrections, unless the same be authorized by some law, for some single object or work, to be distinctly specified therein ; which law shall provide ways and means, by taxation, for the payment of running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity, of the capital borrowed ; and said law shall be irrevocable until principal and interest are fully paid and discharged, and shall not be put into execution until after its enactment by the first legislature returned by a general election after its passage.

ART. 115. The legislature shall provide by law for a change of venue in civil and criminal cases.

ART. 116. No lottery shall be authorized by this State, and the buying or selling of lottery tickets within the State is prohibited.

ART. 117. No divorce shall be granted by the Legislature.

ART. 118. Every law enacted by the legislature shall embrace but one object, and that shall be expressed in the title.

ART. 119. No law shall be revived or amended by reference to its title ; but in such case, the act revived, or section amended, shall be re-enacted and published at length.

ART. 120. The legislature shall never adopt any system or code of laws by general reference to such system or code of laws ; but in all cases shall specify the several provisions of the laws it may enact.

ART. 121. The State shall not become subscriber to the stock of any corporation or joint stock company.

ART. 122. No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges.

ART. 123. Corporations shall not be created in this State by special laws, except for political or municipal purposes ; but the legislature shall provide by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited.

ART. 124. From and after the month of January, 1890, the legislature shall have the power to revoke the charters of all corporations whose charters shall not have expired previous to that time, and no corporations hereafter to be created shall ever endure for a longer term than twenty-five years, except those which are political or municipal.

ART. 125. The general assembly shall never grant any exclusive privilege or monopoly, for a longer period than twenty years.

ART. 126. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace.

ART. 127. Taxation shall be equal and uniform throughout the State. After the year 1848 all property, on which taxes may be levied in this State, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied ; the legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

ART. 128. The citizens of the city of New Orleans shall have the right of appointing the several public officers neces-

sary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the legislature; provided, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor, recorders and aldermen shall be commissioned by the governor as justices of the peace, and the legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

ART. 129. The legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

ART. 130. Any citizen of this State who shall, after the adoption of this constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, with a citizen of this State, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this constitution.

ART. 131. The legislature shall have power to extend this constitution, and the jurisdiction of this State over any territory acquired by compact with any State, or with the United States, the same being done by the consent of the United States.

ART. 132. The constitution and laws of this State shall be promulgated in the English and French languages.

TITLE VII.

PUBLIC EDUCATION.

ART. 133. There shall be appointed a superintendent of public education, who shall hold his office for two years. His duties shall be prescribed by law. He shall receive compensation as the legislature may direct.

ART. 134. The legislature shall establish free public schools throughout the State, and shall provide means for their support by taxation on property or otherwise.

ART. 135. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not

expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent; which interest together with all the rents of the unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 136. All moneys arising from the sale which have been or may hereafter be made of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which at six per cent per annum, shall be appropriated to the support of a seminary of learning for the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said seminary of learning.

ART. 137. An university shall be established in the city of New Orleans. It shall be composed of four faculties, to wit: one of law, one of medicine, one of the natural sciences, and one of letters.

ART. 138. It shall be called "the University of Louisiana," and the Medical College of Louisiana as at present organized, shall constitute the faculty of medicine.

ART. 139. The legislature shall provide by law, for its further organization and government; but shall be under no obligation to contribute to the establishment or support of said university by appropriations.

TITLE VIII.

MODE OF REVISING THE CONSTITUTION.

ART. 140. Any amendment or amendments to this Constitution may be proposed to the senate or house of representatives, and if the same shall be agreed to by three-fifths of the members elected to each house, and approved by the governor, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of state shall cause the same to be published, three months before the next general election, in at least one newspaper.

pers in French and English, in every parish in the State in which a newspaper shall be published; and if, in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of state shall cause the same again to be published in the manner aforesaid, at least three months previous to the next general election for representatives to the State legislature, and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the qualified electors shall approve and ratify such amendment or amendments, the same shall become a part of the constitution. If more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment, separately.

TITLE IX.

SCHEDULE.

ART. 141. The Constitution adopted in 1812 is declared to be superseded by this Constitution, and in order to carry the same into effect, it is hereby declared and ordained as follows :

ART. 142. All rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith shall continue as if the same had not been adopted.

ART. 143. Until the first enumeration shall be made as directed in article eighth, of this Constitution, the parish of Orleans shall have twenty representatives, to be elected as follows, viz:

Eight by the First Municipality, seven by the Second Municipality, and four by the Third Municipality, to be distributed among the nine representative districts as follows, by allotting to the

First district,	two Rep.
Second “	two
Third “	three
Fourth “	three
Fifth “	three
Sixth “	two
Seventh “	two
Eighth “	one
Ninth “	one

And to that part of the parish on the right bank of the Mississippi, one

The parish of Plaquemines,	three
“ St. Bernard,	one
“ Jefferson,	three
“ St. Charles,	one
“ St. John the Baptist,	one
“ St. James,	two
“ Ascension,	two
“ Assumption,	three
“ Lafourche Interior,	three
“ Terrebone,	two
“ Iberville,	two

The parish of West Baton Rouge,	one
“ East do.	three
“ West Feliciana,	two
“ East do	three
“ St. Helena,	one
“ Washington,	one
“ Livingston,	one
“ St. Tammany,	one
“ Point Coupée,	one
“ Concordia,	one
„ Tensas,	one
“ Madison,	one
“ Carroll,	one
“ Franklin,	one
„ St. Mary,	two
“ St. Martin,	three
“ Vermillion,	one
“ Lafayette,	two
“ St. Landry,	five
“ Calcasieu,	one
“ Avoyelles	two
“ Rapides,	three
“ Natchitoches,	three
“ Sabine,	two
“ Caddo,	one
“ De Soto,	one
“ Ouachita,	one
“ Morehouse,	one
“ Union	one
“ Jackson,	one
“ Caldwell,	one
“ Catahoula,	two
“ Claiborne,	two
“ Bossier,	one

Total, ninety-eight.

And the State shall be divided into the following senatorial districts :

All that portion of the parish of Orleans lying on the east side of the Mississippi river shall compose one senatorial district, and shall elect four senators;

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans lying on the right bank of the river,

shall compose one district, with one senator;

The parish of Jefferson shall compose one district, with one senator;

The parishes of St. Charles and St. John the Baptist shall compose one district, with one senator;

The parish of St. James shall compose one district, with one senator;

The parish of Ascension shall compose one district with one senator;

The parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators;

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator;

The parish of East Baton Rouge shall compose one district, with one senator;

The parish of Point Coupée shall compose one district, with one senator;

The parish of Avoyelles shall compose one district, with one senator;

The parish of St. Mary shall compose one district, with one senator;

The parish of St. Martin shall compose one district, with one senator;

The parishes of Lafayette and Vermilion shall compose one district, with one senator;

The parishes of St. Landry and Calcasieu, shall compose one district, with two senators;

The parish of West Feliciana shall compose one district, with one senator;

The parish of East Feliciana shall compose one district, with one senator;

The parishes of St. Helena and Livingston shall compose one district, with one senator;

The parishes of Washington and St. Tammany, shall compose one district, with one senator;

The parishes of Concordia and Tensas shall compose one district with one senator;

The parishes of Carroll and Madison shall compose one district, with one senator;

The parishes of Jackson, Union, Morehouse and Ouachita shall compose one district, with one senator;

The parishes of Caldwell, Franklin and Catahoula shall compose one district, with one senator;

The parish of Rapides shall compose one district, with one senator;

The parishes of Bossier and Claiborne shall compose one district, with one senator;

The parish of Natchitoches shall compose one district, with one senator;

The parishes of Sabine, De Soto and Caddo shall compose one district, with one senator;

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken or to another contiguous district at the discretion of the legislature, but shall not be attached to more than one district.

ART. 144. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby; but the laws of the State relative to the duties of the several officers, executive, judicial and military, shall remain in full force, though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State according to the existing laws, until the organization of the government under this Constitution, and the entering into office of the new officers, to be appointed under said government, and no longer.

ART. 145. Appointments to office by the executive under this Constitution, shall be made by the governor to be elected under its authority.

ART. 146. The provisions of article 28, concerning the inability of members of the legislature to hold certain offices therein mentioned, shall not be held to apply to the members of the first legislature elected under this Constitution.

ART. 147. The time of service of all officers chosen by the people, at the first election under this Constitution, shall terminate as though the election had been holden on the first Monday of November 1845, and they had entered on the discharge of their duties at the time designated therein.

ART. 148. The legislature shall provide for the removal of all causes now pending in the supreme or other courts of the State under the Constitution of 1812, to State created by this Constitution.

ART. 149. Appeals to the supreme court from the parishes of Jackson, Union, Morehouse, Catahoula, Caldwell, Ouachita, Franklin, Carroll, Madison, Tensas, and Concoreia, shall until otherwise provided for, be returnable to New Orleans.

TITLE X.

ORDINANCE.

ART. 150. Immediately after the adjournment of the Convention, the governor shall issue his proclamation, directing the several officers of this State authorized by law to hold elections for members of the general assembly, to open and hold a poll in every parish of the State, at the places designated by law, upon the first Monday of November next, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this constitution; and it shall be the duty of the said officers to receive the votes of all persons entitled to vote under the old constitution and under this constitution. Each voter shall express his opinion by depositing in the ballot-box a ticket whereon shall be written "the constitution accepted," or "the constitution rejected," or some such words as will distinctly convey the intention of the voter. At the conclusion of the said election, which shall be conducted in every respect as the general State election is now conducted, the parish judges and commissioners designated to preside over the same, shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the secretary of state, in conformity to the provisions of the existing law upon the subject of elections.

ART. 151. Upon the receipt of the said returns, or on the first Monday of December, if the returns be not sooner received, it shall be the duty of the governor, the secretary of state, the attorney general, and the state treasurer, in the presence of all such persons as may choose to attend, to compare the votes given at the said poll, for the ratification and rejection of this constitution, and if it shall appear from said returns that a majority of all the votes given is for ratifying this constitution, then it shall be the duty of the governor to make proclamation of that fact, and thenceforth this constitution shall be ordained and established as the constitution of the State of Louisiana. But whether this constitution be accepted or rejected, it shall be the duty of the governor to cause to be published in the State paper the result of the polls, showing the number of votes cast in each parish, for and against the said constitution.

ART. 152. Should this constitution be

accepted by the people, it shall also be the duty of the governor forthwith to issue his proclamation declaring the present legislature elected under the old constitution, to be dissolved, and directing the several officers of the State, authorized by law, to hold elections for members of the general assembly, to hold an election at the places designated by law, on the third Monday in January next, (1846) for governor, lieutenant governor, members of the general assembly, and all other officers whose election is provided for pursuant to the provisions of this constitution. And the said election shall be conducted and the returns thereof made in conformity with existing laws upon the subject of State elections.

ART. 153. The general assembly elected under this constitution shall convene at the state house, in the city of New Orleans, upon the second Monday of February next, (1846) after the elections; and that the governor and lieutenant governor, elected at the same time, shall be duly installed in office during the first week of their session, and before it shall be competent for the said general assembly to proceed with the transaction of business.

MR. ROMAN submitted the following reasons for not voting in favor of the adoption of the constitution, and the same were ordered to be inserted in the journal, viz:

I will vote against the adoption, because I think that this Convention would never have been called, if a majority of the people would have foreseen that the constitution of 1812 would be entirely put down, and another adopted, in which almost every conservative principle has been set aside.

Because in extending the right of suffrage, sufficient care has not been taken to confide it to those only who are identified with the State, and no guide has been given to the officers who are to preside over the elections to enable them to decide, who are those who ought and those who ought not to vote.

Because the senate has been so framed as to form no check in the popular branch of the legislature, and this last has been rendered so numerous as to be too unwieldy and too expensive.

Because the tenure of office of the judges of the supreme and district courts is such as not to render them independent of the party politics of the day, and the election

by the people of justices of the peace, clerks of courts and sheriffs, is calculated to jeopardize still more the impartial administration of justice.

For these reasons, and also because a part of this constitution is actually put in force without being submitted to the assent of the people, I vote No.

Mr. KENNER offered the following resolution, and the same was unanimously adopted, viz :

Resolved, That the thanks of this Convention be tendered to the Hon. Joseph Walker, president of the Convention, for the able and impartial manner with which he has presided over our deliberations.

Mr. CADE submitted the following resolution, and the same was unanimously adopted, viz :

Resolved, That the thanks of this Convention be tendered to Horatio Davis, Esq., our secretary, for his assiduous attention to business, and for the correct and faithful discharge of his important duties.

Mr. SELLERS submitted the following resolution, and the same was unanimously adopted, viz :

Resolved, That the thanks of this Convention be tendered to the clergy of this city.

Mr. BEATTY offered the following resolution, viz :

Resolved, That the secretary and minute clerk, and other clerks, be continued in their functions for a space not exceeding one month from the adjournment of this Convention, and that the secretary be directed to superintend the printing and distribution of the debates and constitution, and completion of the journals. That the secretary be authorized to draw his own warrant for their compensation.

Mr. DOWNS moved to amend said resolution, by adding "and the printers to the Convention."

Mr. DOWNS moved to lay the resolution and amendment on the table, subject to call; which motion was lost.

Mr. CAPE then moved to lay the amendment on the table indefinitely; which motion prevailed.

On motion of Mr. BEATTY, the resolution was adopted.

Mr. GARCIA submitted the following resolution, viz :

Resolved, That an additional compen-

sation at the rate of two dollars per day, from the commencement of the session at New Orleans to the close of their labors, be allowed to each of the reporters, Messrs. Foulhouse and Kerr.

Mr. GARCIA moved for the adoption of the above resolution; which motion was lost.

Mr. GUION offered the following resolution, and the same was adopted, viz :

Resolved, That the committee on contingent expenses be instructed to enquire whether any additional compensation ought to be granted to the English and French printers to this Convention.

Mr. SOULE offered the following resolution, viz :

Resolved, That a period not to exceed thirty days be allowed to the reporters to conclude their labors, in compensation for which they shall be paid by the treasurer on their warrant, countersigned by the secretary.

Mr. BRENT moved to amend the same by inserting "fifteen" instead of "thirty days;" which motion was lost.

On motion, the Convention adjourned till to-morrow at 9 o'clock, a. m.

THURSDAY, MAY 15, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings with prayer.

Mr. READ offered the following resolution, and the same was adopted, viz :

Resolved, That the sum of twelve dollars be allowed John E. Layet, for services rendered as additional clerk for two days.

Mr. READ then offered the following resolution, and the same was adopted, viz :

Resolved. That the sum of one hundred dollars be allowed D. O. Nadaud, as extra compensation for his services as recording clerk.

On motion, the committee of enrollment was authorized to fix the compensation of the enrolling and engrossing clerks, and draw a warrant on the treasury for the payment of the same.

Mr. CHINN moved that an additional compensation of one hundred dollars be allowed to Mr. James Carpenter, sergeant-at-arms.

Mr. DOWNS moved to amend the said resolution by adding the same compensa-

tion to all the other officers of the Convention.

Mr. LEWIS moved to lay the resolution and amendment on the table indefinitely.

The yeas and nays being called for,

Messrs. Benjamin, Brazeale, Brumfield, Burton, Cade, Chambliss, Claiborne, Conrad of Jefferson, DuBouchel, Eustis, Hudspeth, Humble, Labauve, Ledoux, Legendre, Lewis, McCallop, McRae, Mazureau, Peets, Prescott of St. Landry, Prudhomme, Saunders, Scott of Baton Rouge, Sellers, Splane, Taylor of Assumption, Taylor of St. Landry, Voorhies Waddill and Wadsworth voted in the affirmative—31 yeas, and

Messrs. Briant, Cénas, Chinn, Derbes, Marigny, Porter, Scott of Madison, Soulé and Wederstrandt voted in the negative—9 nays, consequently said motion was carried.

Mr. McCALLOP moved that James Carpenter be allowed mileage to and from Jackson to New Orleans.

Mr. DERBES moved to amend the same by allowing mileage to the other officers.

Mr. CADE moved to lay the motion of Mr. McCallop, and amendment, on the table indefinitely.

The yeas and nays being called for,

Messrs. Benjamin, Brazeale, Brumfield, Brent, Burton, Cade, Chambliss, Conrad of Jefferson, Covillion, DuBouchel, Humble, Labauve, Lewis, McRae, Mazureau, Prescott of St. Landry, Prudhomme, Splane, Stephens and Voorhies voted in the affirmative—20 yeas; and

Messrs. Briant, Cénas, Chinn, Derbes, Dunn, Eustis, Garcia, Legendre, McCallop, Marigny, Porter, Read, Scott of Baton Rouge, Soulé and Wederstrandt voted in the negative—15 nays; consequently said motion was carried.

Mr. SOULE submitted the following resolution, which was read and adopted, viz:

Resolved, That a period not to exceed thirty days be allowed to the reporters to conclude their labors, in compensation for which they shall be paid by the treasurer on their warrant, countersigned by the secretary.

Mr. CENAS submitted the following resolution, and the same was unanimously adopted, viz:

Resolved, That the thanks of this Convention be tendered to Wm. Debuys, Esq.,

state treasurer, for his kindness in assuming the troublesome task of keeping the account and paying the warrants of the members of the Convention.

Mr. TAYLOR of Assumption, offered the following resolution, and the same was adopted, viz:

Resolved, That when the Convention adjourns this day it will adjourn to meet at 12 o'clock, m., to-morrow.

Mr. TAYLOR of Assumption, offered the following resolution, and the same was adopted, viz:

Resolved by the Convention, That the president be authorized to close the session of the Convention, by adjourning it on to-morrow, the 16th day of May, 1845, *sine die*.

On motion, the Convention adjourned till to-morrow, at 12 o'clock, m.

FRIDAY, May 16, 1845.

The Convention met pursuant to adjournment.

The Rev. Mr. CLARK opened the proceedings with prayer.

Mr. READ offered the following resolution, and the same was adopted, viz:

Resolved, [that the committee on contingent expenses be authorized to issue a warrant in favor of James Carpenter for the sum of three dollars.

Mr. READ submitted the following resolution, and the same was unanimously adopted, viz:

Resolved, that the sum of two hundred dollars be allowed A. Duplantier, as extra compensation for his faithful and laborious services in the capacity of minute clerk, and that the committee on contingent expenses be authorized to issue a warrant for said sum.

Mr. LEWIS submitted the following resolution, and the same was adopted, viz:

Resolved, that the committee on contingent expenses be authorized to advance to the secretary of this convention the amount of his per diem for thirty days services, to be rendered by him after the adjournment on this day.

On motion the sum of one hundred dollars was allowed Gaspard Debuys for services rendered as assistant recording clerk.

Mr. MAXO submitted the following resolution, and the same was adopted, viz:

Resolved, that five thousand copies of

the new constitution, in the English, and the same number in the French language, be printed under the direction of the secretary of the Convention, and distributed by him to the members for the use of their constituents, at the expense of the State; provided he can procure the same to be done at an expense not exceeding three hundred dollars.

Mr. ROSELIUS submitted the following resolution, and the same was adopted, viz:

Resolved, that the sum of one hundred and twenty-five dollars be paid by the treasurer of the State to Besançon, Ferguson & Co., for printing the reports and bills of the House, since the bill allowed by the Convention; and that the secretary of the Convention be instructed to pay the printers of the Convention at the rate of two dollars per page, for such number of pages as may be printed after the period of such allowance, to complete the work.

Mr. MARIGNY submitted the following resolution, and the same was adopted, viz:

Resolved, that the sum of two hundred dollars be allowed to Mr. Foulhouse, and the sum of two hundred dollars be allowed to Mr. R. J. Kerr, as a compensation for their services as reporters of the Convention.

Mr. Culbertson submitted the following resolution, and the same was adopted, viz:

Resolved, that the sum of one hundred dollars be allowed Mr. Alexander Derbes, and that the sum of one hundred dollars be allowed Theodule Montreuil, as an extra compensation for services rendered as translating clerks.

Mr. GARCIA submitted the following resolution, and the same was adopted, viz:

Resolved, that the translator of the constitution, Edward Louvet, Esq., be allowed his per diem, at the rate of eight dollars, and that he receive the same compensation which was allowed to the other translating clerks.

Mr. SOULE, chairman of the committee of enrolment, reported the constitution enrolled, viz:

CONSTITUTION OF THE STATE OF LOUISIANA.

PREAMBLE.

We the people of the State of Louisiana do ordain and establish this Constitution.

TITLE I.

DISTRIBUTION OF POWERS.

ART. 1. The powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative to one; those which are executive to another, and those which are judicial to another.

ART. 2. No one of these departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

TITLE II.

LEGISLATIVE DEPARTMENT.

ART. 3. The legislative powers of the State shall be vested in two distinct branches, the one to be styled the "house of representatives," the other "the senate," and both "the general assembly of the State of Louisiana."

ART. 4. The members of the house of representatives shall continue in service for the term of two years from the day of the closing of the general elections.

ART. 5. Representatives shall be chosen on the first Monday in November, every two years; and the election shall be completed in one day. The general assembly shall meet every second year, on the third Monday in January next ensuing the election, unless a different day be appointed by law, and their session shall be held at the seat of government.

ART. 6. No person shall be a representative, who, at the time of his election, is not a free white male, and has not been for three years a citizen of the United States, and has not attained the age of twenty-one years, and resided in the State for the three years next preceding the election, and the last year thereof in the parish for which he may be chosen.

ART. 7. Elections for representatives for the several parishes or representative districts shall be held at the several election precincts established by law. The legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

ART. 8. Representation in the house of representatives, shall be equal and uniform, and shall be regulated and ascertained by

the number of qualified electors. Each parish shall have at least one representative; no new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the full number entitling it to a representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

The first enumeration to be made by the State authorities under this constitution shall be made in the year 1847, the second in the year 1855; and the subsequent enumerations shall be made every tenth year thereafter, in such manner as shall be prescribed by law for the purpose of ascertaining the total population and the number of qualified electors in each parish and election district.

At the first regular session of the legislature after the making of each enumeration, the legislature shall apportion the representation amongst the several parishes and election districts on the basis of qualified electors as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many representatives as the aggregate number of its electors will entitle it to, and an additional representative for any fraction exceeding one half the representative number. The number of representatives shall not be more than one hundred nor less than seventy.

That part of the parish of Orleans situated on the left bank of the Mississippi, shall be divided into nine representative districts, as follows, viz :

1st. First district to extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district to extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district to comprise the residue of the Second Municipality.

4th. Fourth district to extend from the middle of Canal street to the middle of St. Louis street, until it reaches the Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district to extend from the last

mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the bayou St. John, thence along the middle of said bayou until it intersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district to be composed of the residue of the First Municipality.

7th. Seventh district, from the middle Esplanade street to the middle of Champs Elysées street.

8th. Eighth district, from the middle of Champs Elysées street to the middle of Enghein street and Lafayette Avenue.

9th. Ninth district, from the middle of Enghein street and Lafayette Avenue to the lower limits of the parish.

ART. 9. The house of representatives shall choose its speaker and other officers.

ART. 10. In all elections by the people, every free white male who has attained the age of twenty-one years, and resided in the State two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting. *Provided*, that no person shall be deprived of the right of voting who at the time of the adoption of this constitution was entitled to that right under the constitution of 1812. Electors shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

ART. 11. Absence from the State for more than ninety consecutive days, shall interrupt the acquisition of the residence required in the preceding article, unless the person absenting himself shall be a house-keeper, or shall occupy a tenement for carrying on business, and his dwelling house or tenement for carrying on business shall be actually occupied during his absence, by his family or servants, or some portion thereof, or by some one employed by him.

ART. 12. No soldier, seaman or marine in the army or navy of the United States, no pauper, no person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in the State.

ART. 13. No person shall be entitled to vote at any election held in this State, except in the parish of his residence, and in

cities and towns divided into election precincts, in the election precinct in which he resides.

ART. 14. The members of the senate shall be chosen for the term of four years. The senate when assembled, shall have the power to choose its officers every two years.

ART. 15. The legislature in every year in which they shall apportion representation in the house of representatives shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the legislature; but shall not be attached to more than one district. The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators.

ART. 16. In all apportionments of the senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty eight, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a senator; and if in the apportionment to be made, a parish or district fall short of or exceed the ratio, one-fifth, then a district may be formed having not more than two senators, but not otherwise.

No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment.

After an enumeration has been made as directed in the eighth article, the legislature shall not pass any laws until an apportionment of the representation in both houses of the general assembly be made.

ART. 17. At the first session of the general assembly, after this constitution takes effect, the senators shall be equally divided by lot into two classes; the seats

of the second class at the expiration of the fourth year; so that one-half shall be chosen every two years, and a rotation thereby kept up perpetually. In case any district shall have elected two or more senators, said senators shall vacate their seats respectively at the end of two and four years, and the lots shall be drawn between them.

ART. 18. No person shall be a senator, who at the time of his election, has not been a citizen of the United States ten years, and who has not attained the age of twenty-seven years, and resided in the State four years next preceding his election, and the last year thereof in the district in which he may be chosen.

ART. 19. The first election for senators shall be general throughout the State, and at the same time that the general election for representatives is held; and thereafter there shall be biennial elections to fill the place of those whose time of service may have expired.

ART. 20. Not less than a majority of the members of each house of the general assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised by law to compel the attendance of absent members.

ART. 21. Each house of the general assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

ART. 22. Each house of the general Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds expel a member, but not a second time for the same offence.

ART. 23. Each house of the general assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

ART. 24. Each house may punish by imprisonment any person not a member, for disrespectful and disorderly behavior, in its presence or for obstructing any of its proceedings. Such imprisonment shall not exceed ten days for any one offence.

ART. 25. Neither house, during the session of the general assembly, shall without the consent of the other, adjourn for more

of the senators of the first class shall be vacated at the expiration of the second year, than three days, nor to any other place than that in which they may be sitting.

ART. 26. The members of the general assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective houses. The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alterations shall have been made. No session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days, shall be null and void. This provision shall not apply to the first legislature which is to convene after the adoption of this constitution.

ART. 27. The members of the general assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses; and going to or returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

ART. 28. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created or the emoluments of which shall have been increased during the time such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

ART. 29. No person, while he continues to exercise the functions of a clergyman, priest or teacher of any religious persuasion, society or sect, shall be eligible to the general assembly.

ART. 30. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the general assembly, or to any other office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for

all public moneys with which he may have been entrusted.

ART. 31. No bill shall have the force of a law until on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon, unless in case of urgency, four-fifths of the house, where the bill shall be pending, may deem it expedient to dispense with this rule.

ART. 32. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in other bills; *provided*, they shall not introduce any new matter under the color of an amendment which does not relate to raising revenue.

ART. 33. The general assembly shall regulate by law, by whom, and in what manner, writs of election shall be issued, to fill the vacancies which may happen in either branch thereof.

ART. 34. A majority of all the members elected to the senate, shall be required for the confirmation or rejection of officers to be appointed by the governor; with the advice and consent of the senate; and the senate in deciding thereon, shall vote by yeas and nays, and the names of the senators voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

ART. 35. Returns of all elections for members of the general assembly shall be made to the secretary of state.

ART. 36. A treasurer of the State shall be elected biennially, by joint ballot of the two houses of the general assembly. The governor shall have the power to fill any vacancy that may happen in that office during the recess of the legislature.

ART. 37. In the year in which a regular election of a senator of the United States is to take place, the members of the general assembly shall meet in the hall of the house of representatives, on the Monday following the meeting of the legislature, and proceed to the said election.

TITLE III.

EXECUTIVE DEPARTMENT.

ART. 38. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the governor of the State of Louisiana. He shall hold his office during the term of four years;

and together with the lieutenant governor chosen for the same term, be elected as follows:—The qualified electors for representatives, shall vote for a governor and lieutenant governor, at the time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the secretary of state; who shall deliver them to the speaker of the house of representatives on the second day of the session of the general assembly, then next to be holden. The members of the general assembly shall meet in the house of representatives, to examine and count the votes. The person having the greatest number of votes for governor shall be declared duly elected, but if two or more persons shall be equal and highest in the number of votes polled for governor, one of them shall immediately be chosen governor by joint vote of the members of the general assembly. The person having the greatest number of votes for lieutenant governor shall be lieutenant governor, but if two or more persons shall be equal and highest in the number of votes polled for lieutenant governor, one of them shall be immediately chosen lieutenant governor by joint vote of the members of the general assembly.

ART. 39. No person shall be eligible to the office of governor or lieutenant governor, who shall not have attained the age of thirty-five years, been fifteen years a citizen of the United States, and a resident within this State for the same space of time next preceding his election.

ART. 40. The governor shall enter on the discharge of his duties on the fourth Monday of January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected, and shall have taken the oath or affirmation prescribed by this Constitution.

ART. 41. The governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

ART. 42. No member of congress or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor or lieutenant governor.

ART. 43. In case of the impeachment of the governor, his removal from office,

death, refusal or inability to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the governor, absent or impeached, shall return or be acquitted. The legislature may provide by law for the case of removal, impeachment, death, resignation, disability; or refusal to qualify, of both the governor and lieutenant governor, declaring what officer shall act as governor, and such officer shall act accordingly, until the disability be removed, or for the residue of the term.

ART. 44. The lieutenant governor, or other officer discharging the duties of governor, shall, during his administration, receive the same compensation to which the governor would have been entitled, had he continued in office.

ART. 45. The lieutenant governor shall, by virtue of his office, be president of the senate, but shall have only a casting vote therein. Whenever he shall administer the government, or shall be unable to attend as president of the senate the senators shall elect one of their own members as president of the senate for the time being.

ART. 46. While he acts as president of the senate, the lieutenant governor shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more.

ART. 47. The governor shall have power to grant reprieves for all offences against the State, and except in cases of impeachment, shall, with the consent of the senate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves, until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

ART. 48. The governor shall at stated times receive for his services a compensation, which shall neither be increased or diminished during the term for which he shall have been elected.

ART. 49. He shall be commander-in-chief of the army and navy of this State and of the militia thereof, except when they shall be called into the service of the United States.

ART. 50. He shall nominate, and by and

with the advice and consent of the senate, appoint all officers whose offices are established by this constitution, and whose appointment is not therein otherwise provided for: Provided, however, that the legislature shall have a right to prescribe the mode of appointment to all other offices established by law.

ART. 51. The governor shall have power to fill vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this constitution; but no person who has been nominated for office, and rejected by the senate, shall be appointed to the same office during the recess of the senate.

ART. 52. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

ART. 53. He shall from time to time, give to the general assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

ART. 54. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place if that should become dangerous from an enemy or from epidemics; and in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

ART. 55. He shall take care that the laws be faithfully executed.

ART. 56. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it, if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if after such reconsideration two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respec-

tively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

ART. 57. Every order, resolution or vote to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of the members elected to each house of the general assembly.

ART. 58. There shall be a secretary of state, who shall hold his office during the time for which the governor shall have been elected. The records of the State shall be kept and preserved in the office of the secretary; he shall keep a fair register of the official acts and proceedings of the governor, and when necessary shall attest them. He shall, when required, lay the said register, and all papers, minutes and vouchers relative to his office, before either house of the general assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 59. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal and signed by the governor.

ART. 60. The free white men of the State shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal services.

ART. 61. The militia of the State shall be organized in such manner as may be hereafter deemed most expedient by the legislature.

TITLE IV.

JUDICIARY DEPARTMENT.

ART. 62. The judicial power shall be vested in a supreme court, in district courts and in justices of the peace.

ART. 63. The supreme court, except in cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases when the matter

in dispute shall exceed three hundred dollars, to all cases in which the constitutionality of any tax, toll, or impost of any kind or nature soever, shall be in contestation, whatever may be the amount thereof; and likewise to all fines, forfeitures and penalties imposed by municipal corporations; and in criminal cases on questions of law alone, whenever the punishment of death or hard labor may be inflicted, or when a fine exceeding three hundred dollars is actually imposed.

ART. 64. The supreme court shall be composed of one chief justice and of three associate judges, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of six thousand dollars, and each of the associate judges a salary of five thousand five hundred dollars, annually. The said court shall appoint its own clerks. The said judges shall be appointed for the term of eight years.

ART. 65. When the first appointments are made under this constitution, the chief justice shall be appointed for the term of eight years, one of the associate judges for six years, one for four years and one for two years; and in the event of the death, resignation, or removal of any of said judges, before the expiration of the period for which he was appointed, his successor shall be appointed only for the remainder of his term: so that the term of office of no two of said judges shall expire at the same time.

ART. 66. The supreme court shall hold its sessions in New Orleans from the first Monday of the month of November to the end of the month of June, inclusive. The legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 67. The supreme court, and each of the judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process, in all cases in which they may have appellate jurisdiction.

ART. 68. In all cases in which the judges shall be equally divided in opinion, the judgment appealed from shall stand affirmed; in which case each of the judges shall give his separate opinion in writing.

ART. 69. All judges, by virtue of their office, shall be conservators of the peace

throughout the State. The style of all process shall be "the State of Louisiana." All prosecutions shall be carried on "in the name and by the authority of the State of Louisiana," and conclude "against the peace and dignity of the same."

ART. 70. The judges of all courts within this State shall, as often as it is possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which such judgment is founded.

ART. 71. No court or judge shall make any allowance by way of fee or compensation in any suit or proceedings, except for the payment of such fees to the ministerial officers as may be established by law.

ART. 72. No duties or functions shall ever be attached by law to the supreme or district courts, or to the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office, or other compensation than their salaries for any civil duties performed by them.

ART. 73. The judges of all courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of three-fourths of the members present of each house of the general assembly. In every such case, the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each house.

ART. 74. There shall be an attorney general for the State, and as many district attorneys as may be hereafter found necessary. They shall hold their offices for two years; their duties shall be determined by law.

ART. 75. The first legislature assembled under this constitution, shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year thereafter.

The number of districts shall not be less than twelve, nor more than twenty.

For each district one judge, learned in the law shall be appointed, except in the district in which the cities of New Orleans

and Lafayette are situated, in which the legislature may establish as many district courts as the public interest may require.

ART. 76. Each of the said judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than two thousand five hundred dollars annually. He must be a citizen of the United States, over the age of thirty years, and have resided in the State for six years next preceding his appointment, and have practiced law therein for the space of five years.

ART. 77. The judges of the district courts shall hold their offices for the term of six years. The judges first appointed shall be divided by ballot into three classes, as nearly equal as can be; and the term of office of the judges of the first class shall expire at the end of two years, of the second class at the end of four years, and of the third class at the end of six years.

ART. 78. The district courts shall have original jurisdiction in all civil cases when the amount in dispute exceeds fifty dollars, exclusive of interest. In all criminal cases, and in all matters connected with successions, their jurisdiction shall be unlimited.

ART. 79. The legislature shall have power to vest in clerks of courts authority to grant such orders, and do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases the powers thus granted shall be specified and determined.

ART. 80. The clerks of the several courts shall be removable, for breach of good behavior, by the judges thereof; subject in all cases to an appeal to the supreme court.

ART. 81. The jurisdiction of justices of the peace shall never exceed in civil cases the sum of one hundred dollars, exclusive of interest, subject to an appeal to the district court in such cases as shall be provided for by law. They shall be elected by the qualified voters of each parish, for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

ART. 82. Clerks of the district courts in this State shall be elected by the qualified electors in each parish for the term of

four years, and should a vacancy occur subsequent to an election, it shall be filled by the judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

ART. 83. A sheriff and a coroner shall be elected in each parish, by the qualified voters thereof, who shall hold their offices for the term of two years, unless sooner removed.

Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

TITLE V.

IMPEACHMENT.

ART. 84. The power of impeachment shall be vested in the house of representatives.

ART. 85. Impeachments of the governor, lieutenant governor, attorney general, secretary of State, State treasurer, and the judges of the district courts, shall be tried by the senate; the chief justice of the supreme court, or the senior judge thereof, shall preside during the trial of such impeachments. Impeachments of the judges of the supreme court shall be tried by the senate. When sitting as a court of impeachment, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present.

ART. 86. Judgments in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment, according to law.

ART. 87. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of such impeachment. The appointing power may make a provisional appointment to replace any suspended officer until the decision on the impeachment.

ART. 88. The legislature shall provide by law for the trial, punishment and removal from office of all other officers of the State, by indictment or otherwise.

On motion, the report of the committee

of revision in relation to public education was taken up for its third reading, viz:

TITLE VI.

GENERAL PROVISIONS.

ART. 89. Members of the general assembly, and all officers, before they enter upon the duties of their offices shall take the following oath or affirmation:

I (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States, and of this State; and I do further solemnly swear (or affirm) that since the adoption of the present constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of the State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of the State, nor have acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending, so help me God."

ART. 90. Treason against the State shall consist only in levying war against, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

ART. 91. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given, or offered a bribe to procure his election or appointment.

ART. 92. Laws shall be made to exclude from office and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors.

The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon from power, bribery, tumult or other improper practice.

ART. 93. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of the receipts and

expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

ART. 94. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitration.

ART. 95. All civil officers for the State at large shall reside within the State, and all district or parish officers within their districts or parishes, and shall keep their offices at such places therein as may be required by law. No person shall be elected or appointed to any parish office who shall not have resided in such parish long enough before such election or appointment, to have acquired the right of voting in such parish; and no person shall be elected or appointed to any district office, who shall not have resided in such district, or an adjoining district, long enough before such appointment, or election, to have acquired the right of voting in the same.

ART. 96. The duration of all offices not fixed by this constitution, shall never exceed four years.

ART. 97. All civil officers, except the governor and judges of the supreme and district courts, shall be removeable by an address of a majority of the members of both houses, except those the removal of whom has been otherwise provided for by this constitution.

ART. 98. Absence on business of this State or of the United State, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this constitution.

ART. 99. It shall be the duty of the legislature to provide by law for deductions from the salaries of public officers who may be guilty of a neglect of duty.

ART. 100. The legislature shall point out the manner in which a person coming into the State shall declare his residence.

ART. 101. In all elections by the people the vote shall be by ballot, and in all elections by the senate and house of representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 102. No member of congress, nor person holding or exercising any office of trust or profit under the United States, or

either of them, or under any foreign power, shall be eligible as a member of the general assembly, or hold or exercise any office of trust or profit under the State.

ART. 103. The laws, the public records and the judicial and legislative written proceedings of the State, shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

ART. 104. The secretary of the senate, and clerk of the house of representatives, shall be conversant with the French and English languages, and members may address either house in the French or English language.

ART. 105. The general assembly shall direct by law, how persons who are now, or may hereafter become sureties for public officers, may be discharged from such suretyship.

ART. 106. No power of suspending the laws of this State shall be exercised, unless by the Legislature or its authority.

ART. 107. Prosecutions shall be by indictment, or information. The accused shall have a speedy public trial by an impartial jury of the vicinage: he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right, unless he shall have fled from justice, of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

ART. 108. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

ART. 109. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested unless for purposes of public utility, and for adequate compensation previously made,

ART. 110. The press shall be free. Every citizen may freely speak, write and publish his sentiments on all subjects; being responsible for an abuse of this liberty.

ART. 111. Emigration from the State shall not be prohibited.

ART. 112. The general assembly which shall meet after the first election of repre-

sentatives under this Constitution, shall, within the first month after the commencement of the session, designate and fix the seat of government, at some place not less than sixty miles from the city of New Orleans, by the nearest travelling route; and if on the Mississippi river, by the meanders of the same: and when so fixed, it shall not be removed without the consent of four fifths of the members of both houses of the general assembly. The sessions shall be held in New Orleans until the end of the year 1848.

ART. 113. The legislature shall not pledge the faith of the State for the payment of any bonds, bills, or other contracts or obligations for the benefit or use of any person or persons, corporation or body politic whatever. But the State shall have the right to issue new bonds in payment of its outstanding obligations or liabilities, whether due or not; the said new bonds, however, are not to be issued for a larger amount or at a higher rate of interest, than the original obligations they are intended to replace.

ART. 114. The aggregate amount of debts hereafter contracted by the legislature, shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasions or suppress insurrections, unless the same be authorized by some law, for some single object or work, to be distinctly specified therein; which law shall provide ways and means, by taxation, for the payment of running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity, of the capital borrowed; and said law shall be irrepealable until principal and interest are fully paid and discharged, and shall not be put into execution until after its enactment by the first legislature returned by a general election after its passage.

ART. 115. The legislature shall provide by law for a change of venue in civil and criminal cases.

ART. 116. No lottery shall be authorized by this State, and the buying or selling of lottery tickets within the State is prohibited.

ART. 117. No divorce shall be granted by the Legislature.

ART. 118. Every law enacted by the legislature shall embrace but one object, and that shall be expressed in the title.

ART. 119. No law shall be revived or amended by reference to its title; but in such case, the act revived, or section amended, shall be re-enacted and published at length.

ART. 120. The legislature shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases shall specify the several provisions of the laws it may enact.

ART. 121. The State shall not become subscriber to the stock of any corporation or joint stock company.

ART. 122. No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges.

ART. 123. Corporations shall not be created in this State by special laws, except for political or municipal purposes; but the legislature shall provide by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited.

ART. 124. From and after the month of January, 1890, the legislature shall have the power to revoke the charters of all corporations whose charters shall not have expired previous to that time, and no corporations hereafter to be created shall ever endure for a longer term than twenty-five years, except those which are political or municipal.

ART. 125. The general assembly shall never grant any exclusive privilege or monopoly, for a longer period than twenty years.

ART. 126. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace.

ART. 127. Taxation shall be equal and uniform throughout the State. After the year 1848 all property, on which taxes may be levied in this State, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied; the legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

ART. 128. The citizens of the city of New Orleans shall have the right of appointing the several public officers neces-

sary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the legislature; provided, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor, recorders and aldermen shall be commissioned by the governor as justices of the peace, and the legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

ART. 129. The legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

ART. 130. Any citizen of this State who shall, after the adoption of this constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, with a citizen of this State, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this constitution.

ART. 131. The legislature shall have power to extend this constitution, and the jurisdiction of this State over any territory acquired by compact with any State, or with the United States, the same being done by the consent of the United States.

ART. 132. The constitution and laws of this State shall be promulgated in the English and French languages.

TITLE VII.

PUBLIC EDUCATION.

ART. 133. There shall be appointed a superintendent of public education, who shall hold his office for two years. His duties shall be prescribed by law. He shall receive compensation as the legislature may direct.

ART. 134. The legislature shall establish free public schools throughout the State, and shall provide means for their support by taxation on property or otherwise.

ART. 135. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not

expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent; which interest together with all the rents of the unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 136. All moneys arising from the sale which have been or may hereafter be made of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which at six per cent per annum, shall be appropriated to the support of a seminary of learning for the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said seminary of learning.

ART. 137. An university shall be established in the city of New Orleans. It shall be composed of four faculties, to wit: one of law, one of medicine, one of the natural sciences, and one of letters.

ART. 138. It shall be called "the University of Louisiana," and the Medical College of Louisiana as at present organized, shall constitute the faculty of medicine.

ART. 139. The legislature shall provide by law, for its further organization and government; but shall be under no obligation to contribute to the establishment or support of said university by appropriations.

TITLE VIII.

MODE OF REVISING THE CONSTITUTION.

ART. 140. Any amendment or amendments to this Constitution may be proposed to the senate or house of representatives, and if the same shall be agreed to by three-fifths of the members elected to each house, and approved by the governor, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of state shall cause the same to be published, three months before the next general election, in at least one newspa-

pers in French and English, in every parish in the State in which a newspaper shall be published; and if, in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of state shall cause the same again to be published in the manner aforesaid, at least three months previous to the next general election for representatives to the State legislature, and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the qualified electors shall approve and ratify such amendment or amendments, the same shall become a part of the constitution. If more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment, separately.

TITLE IX.

SCHEDULE.

ART. 141. The Constitution adopted in 1812 is declared to be superseded by this Constitution, and in order to carry the same into effect, it is hereby declared and ordained as follows:

ART. 142. All rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith shall continue as if the same had not been adopted.

ART. 143. Until the first enumeration shall be made as directed in article eighth, of this Constitution, the parish of Orleans shall have twenty representatives, to be elected as follows, viz:

Eight by the First Municipality, seven by the Second Municipality, and four by the Third Municipality, to be distributed among the nine representative districts as follows, by allotting to the

First district,	two Rep.
Second "	two
Third "	three
Fourth "	three
Fifth "	three
Sixth "	two
Seventh "	two
Eighth "	one
Ninth "	one

And to that part of the parish on the right bank of the Mississippi, one

The parish of Plaquemines,	shall have	three
" St. Bernard,		one
" Jefferson,		three
" St. Charles,		one
" St. John the Baptist,		one
" St. James,		two
" Ascension,		two
" Assumption,		three
" Lafourche Interior,		three
" Terrebone,		two
" Iberville,		two
" West Baton Rouge,		one
" East do.		three
" West Feliciana,		two
" East do		three
" St. Helena,		one
" Washington,		one
" Livingston,		one
" St. Tammany,		one
" Point Coupée,		one
" Concordia,		one
" Tensas,		one
" Madison,		one
" Carroll,		one
" Franklin,		one
" St. Mary,		two
" St. Martin,		three
" Vermillion,		one
" Lafayette,		two
" St. Landry,		five
" Calcasieu,		one
" Avoyelles		two
" Rapides,		three
" Natchitoches,		three
" Sabine,		two
" Caddo,		one
" De Soto,		one
" Ouachita,		one
" Morehouse,		one
" Union		one
" Jackson,		one
" Caldwell,		one
" Catahoula,		two
" Claiborne,		two
" Bossier,		one

Total, ninety-eight.

And the State shall be divided into the following senatorial districts :

All that portion of the parish of Orleans lying on the east side of the Mississippi river shall compose one senatorial district, and shall elect four senators;

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans lying on the right bank of the river,

shall compose one district, with one senator;

The parish of Jefferson shall compose one district, with one senator;

The parishes of St. Charles and St. John the Baptist shall compose one district, with one senator;

The parish of St. James shall compose one district, with one senator;

The parish of Ascension shall compose one district with one senator;

The parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators;

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator;

The parish of East Baton Rouge shall compose one district, with one senator;

The parish of Point Coupée shall compose one district, with one senator;

The parish of Avoyelles shall compose one district, with one senator;

The parish of St. Mary shall compose one district, with one senator;

The parish of St. Martin shall compose one district, with one senator;

The parishes of Lafayette and Vermillion shall compose one district, with one senator;

The parishes of St. Landry and Calcasieu, shall compose one district, with two senators;

The parish of West Feliciana shall compose one district, with one senator;

The parish of East Feliciana shall compose one district, with one senator;

The parishes of St. Helena and Livingston shall compose one district, with one senator;

The parishes of Washington and St. Tammany, shall compose one district, with one senator;

The parishes of Concordia and Tensas shall compose one district with one senator;

The parishes of Carroll and Madison shall compose one district, with one senator;

The parishes of Jackson, Union, Morehouse and Ouachita shall compose one district, with one senator;

The parishes of Caldwell, Franklin and Catahoula shall compose one district, with one senator;

The parish of Rapides shall compose one district, with one senator;

The parishes of Bossier and Claiborne shall compose one district, with one senator;

The parish of Natchitoches shall compose one district, with one senator;

The parishes of Sabine, De Soto and Caddo shall compose one district, with one senator;

And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken or to another contiguous district at the discretion of the legislature, but shall not be attached to more than one district.

ART. 144. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby; but the laws of the State relative to the duties of the several officers, executive, judicial and military, shall remain in full force, though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State according to the existing laws, until the organization of the government under this Constitution, and the entering into office of the new officers, to be appointed under said government, and no longer.

ART. 145. Appointments to office by the executive under this Constitution, shall be made by the governor to be elected under its authority.

ART. 146. The provisions of article 28, concerning the inability of members of the legislature to hold certain offices therein mentioned, shall not be held to apply to the members of the first legislature elected under this Constitution.

ART. 147. The time of service of all officers chosen by the people, at the first election under this Constitution, shall terminate as though the election had been holden on the first Monday of November 1845, and they had entered on the discharge of their duties at the time designated therein.

ART. 148. The legislature shall provide for the removal of all causes now pending in the supreme or other courts of the courts under the Constitution of 1812, to State created by this Constitution.

ART. 149. Appeals to the supreme court from the parishes of Jackson, Union, Morehouse, Catahoula, Caldwell, Ouachita, Franklin, Carroll, Madison, Tensas, and Concoreia, shall until otherwise provided for, be returnable to New Orleans.

TITLE X.

ORDINANCE.

ART. 150. Immediately after the adjournment of the Convention, the governor shall issue his proclamation, directing the several officers of this State authorized by law to hold elections for members of the general assembly, to open and hold a poll in every parish of the State, at the places designated by law, upon the first Monday of November next, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this constitution; and it shall be the duty of the said officers to receive the votes of all persons entitled to vote under the old constitution and under this constitution. Each voter shall express his opinion by depositing in the ballot-box a ticket whereon shall be written "the constitution accepted," or "the constitution rejected," or some such words as will distinctly convey the intention of the voter. At the conclusion of the said election, which shall be conducted in every respect as the general State election is now conducted, the parish judges and commissioners designated to preside over the same, shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the secretary of state, in conformity to the provisions of the existing law upon the subject of elections.

ART. 151. Upon the receipt of the said returns, or on the first Monday of December, if the returns be not sooner received, it shall be the duty of the governor, the secretary of state, the attorney general, and the state treasurer, in the presence of all such persons as may choose to attend, to compare the votes given at the said poll, for the ratification and rejection of this constitution, and if it shall appear from said returns that a majority of all the votes given is for ratifying this constitution, then it shall be the duty of the governor to make proclamation of that fact, and thenceforth this constitution shall be ordained and established as the constitution of the State of Louisiana. But whether this constitution be accepted or rejected, it shall be the duty of the governor to cause to be published in the State paper the result of the polls, showing the number of votes cast in each parish, for and against the said constitution.

ART. 152. Should this constitution be

accepted by the people, it shall also be the duty of the governor forthwith to issue his proclamation declaring the present legislature elected under the old constitution, to be dissolved, and directing the several officers of the State, authorized by law, to hold elections for members of the general assembly, to hold an election at the places designated by law, on the third Monday in January next, (1846) for governor, lieutenant governor, members of the general assembly, and all other officers whose election is provided for pursuant to the provisions of this constitution. And the said election shall be conducted and the returns thereof made in conformity with existing laws upon the subject of State elections.

ART. 153. The general assembly elected under this constitution shall convene at the state house, in the city of New Orleans, upon the second Monday of February next, (1846) after the elections; and that the governor and lieutenant governor, elected at the same time, shall be duly installed in office during the first week of their session, and before it shall be competent for the said general assembly to proceed with the transaction of business.

On motion of Mr. LEWIS, the secretary was ordered to call the names of the delegates by counties, to sign the constitution, and the following members affixed their signatures to the same, to wit:

Joseph Walker, President of the Convention, and senatorial delegate of the county of Rapides,

Isaac T. Preston,	C. M. Conrad,
F. B. Conrad,	John Culbertson,
Felix Garcia,	George Eustis,
V. DuBouchel,	Bernard Marigny,
T. M. Wadsworth,	Christian Roselius,

J. P. Benjamin,	P. Soulé,
H. B. Cenas,	James McCallop,
Zenon LaBauve,	A. R. Splane,
Wm. Bernard Scott,	P. Briant,
Amasa Read,	A. Waddill,
B. Derbes,	W. M. Prescott,
Thos. H. Lewis, of	Stephen W. Wikoff,
the district of Opelousas,	R. Taylor,
Green Hudspeth,	J. Fenwick Brent,
John Blake Wederstrandt,	Robert C. Hynson,
Pierre Covillion,	Thos. B. Scott,
M. B. Prescott,	G. Mayo,
Phanor Prudhomme,	A. H. McRae,
Thos. C. Porter,	A. M. Dunn, of Feliciana,
Geo. W. Peets.	R. Cade, of Lafayette,
Wm. D. Stephens,	C. Voorhies, of Attakapas,
S. W. Downs, of the	Thos. W. Chinn, of
Ouachita senatorial	N. Baton Rouge,
district,	L. Saunders, of E. Feliciana,
Isaiah Garrett,	Miles Taylor, of Assumption,
Jacob Humble,	
Pierre Porche,	
Zenon Ledoux, Jr.	
Walthall Burton,	

Attest,

HORATIO DAVIS,

Secretary of the Convention

Mr. GARCIA, offered the following resolution, which was read and adopted, viz:

Resolved, that the thanks of the Convention be tendered to its reporters, Messrs. James Foulhouze and Robert Kerr, for the care and accuracy with which they have complied with the arduous and delicate task imposed on them.

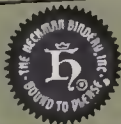
On motion, the Convention adjourned, *sine die*.

Attest,

HORATIO DAVIS,
Secretary of the Convention.

H 41 83





DEC 82

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